

HOUSE OF REPRESENTATIVES—Thursday, June 6, 1985

The House met at 10 a.m.

The Reverend Timothy J. O'Brien, professor, political science, Marquette University, Milwaukee, WI, offered the following prayer:

Let us pray.

Heavenly Father, we acknowledge You as the Author of Life and the one who sustains us all. We thank You for the countless blessings You have so graciously granted the peoples of this planet. We call on You today, in this great Chamber, to humbly ask for Your continued guidance—for insight, humility, integrity, and courage—so that the problems mankind has within its family might be lessened; so that justice among peoples be more closely experienced; that those societal sins of materialism, racism, sexism, militarism, and narcissism—sins which fracture the fragile unity of Your family—be eradicated.

We pray that the power of Your spirit touch the hearts and minds of this Nation's leaders, and that the public policies enacted in this Hall, reflect Your divine plan.

Help us, Lord, to live peaceably—in harmony with You, in harmony with Your Earth, in harmony with Your people, and in harmony with ourselves.

For this we pray.

And, Lord, in a special way we pray today for the repose of the souls of two Members of this body, both from Wisconsin, Members with whom I had the privilege of working closely, Clement J. Zablocki and William A. Steiger. May they rest in peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DREIER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DREIER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 266, nays 127, answered "present" 2, not voting 38.

[Roll No. 142]

YEAS—266

Ackerman	Feighan	McCollum
Addabbo	Fish	McCurdy
Akaka	Flippo	McHugh
Alexander	Florio	McKinney
Anderson	Foglietta	Mica
Andrews	Foley	Michel
Annunzio	Fowler	Mikulski
Anthony	Frank	Miller (CA)
Archer	Frost	Mineta
Aspin	Fuqua	Moakley
Atkins	Garcia	Molinar
AuCoin	Gaydos	Mollohan
Barnard	Gejdenson	Montgomery
Barnes	Gephardt	Moody
Bateman	Gibbons	Moore
Bates	Glickman	Morrison (CT)
Bedell	Gonzalez	Mrazek
Beilenson	Gordon	Murphy
Bennett	Gradison	Murtha
Berman	Gray (IL)	Myers
Bevill	Gray (PA)	Natcher
Blaggi	Green	Neal
Boggs	Guarini	Nelson
Boland	Hall (OH)	Nichols
Boner (TN)	Hall, Ralph	Nowak
Bonior (MI)	Hamilton	O'Brien
Bonker	Hammerschmidt	Oskar
Borski	Hansen	Oberstar
Bosco	Hatcher	Olin
Boucher	Hawkins	Ortiz
Boxer	Hayes	Owens
Breaux	Hefner	Panetta
Brooks	Hertel	Pashayan
Broomfield	Holt	Pease
Broyhill	Hopkins	Pepper
Bruce	Horton	Perkins
Bryant	Howard	Petri
Burton (CA)	Hubbard	Pickle
Bustamante	Hughes	Price
Byron	Hutto	Rahall
Campbell	Hyde	Ray
Carper	Jeffords	Regula
Carr	Jenkins	Reid
Chappell	Johnson	Richardson
Clinger	Jones (NC)	Rinaldo
Coats	Jones (OK)	Ritter
Coelho	Jones (TN)	Robinson
Coleman (TX)	Kanjorski	Rodino
Collins	Kaptur	Roe
Conyers	Kastenmeier	Rogers
Cooper	Kennelly	Rose
Coyne	Kildee	Rostenkowski
Daniel	Kiecuka	Roukema
Darden	Kolter	Rowland (CT)
Daschle	Kostmayer	Rowland (GA)
Davis	Kramer	Roybal
de la Garza	LaFalce	Rudd
DeLay	Lantos	Russo
Dellums	Leath (TX)	Sabo
Dicks	Lehman (CA)	Scheuer
Dixon	Lehman (FL)	Schneider
Donnelly	Leland	Schulze
Dorgan (ND)	Levin (MI)	Schumer
Dowdy	Levine (CA)	Selberling
Downey	Lipinski	Sharp
Duncan	Lloyd	Slitsky
Dwyer	Long	Skelton
Dyson	Lowry (WA)	Slattery
Early	Luken	Smith (FL)
Eckart (OH)	MacKay	Smith (IA)
Edgar	Markey	Snowe
Edwards (CA)	Martinez	Snyder
English	Martinez	St Germain
Erdreich	Matsui	Staggers
Evans (IL)	Mavroules	Stokes
Fascell	Mazzoli	Strang
Fazio	McCloskey	Stratton

Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine

Vander Jagt
Vento
Visclosky
Volkmmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley

Whitten
Williams
Wise
Wolpe
Wortley
Wright
Wyden
Wyllie
Yates
Yatron
Young (MO)

NAYS—127

Badham	Grotberg	Penny
Bartlett	Gunderson	Porter
Barton	Hartnett	Quillen
Bentley	Hendon	Ridge
Bereuter	Henry	Roberts
Bilirakis	Hiller	Roemer
Boehlert	Hillis	Roth
Boulter	Ireland	Saxton
Brown (CO)	Jacobs	Schaefer
Burton (IN)	Kasich	Schroeder
Callahan	Kindness	Schutte
Carney	Kolbe	Sensenbrenner
Chandler	Lagomarsino	Shaw
Chappie	Latta	Shelby
Cheney	Lent	Shumway
Clay	Lewis (CA)	Shuster
Cobey	Lightfoot	Sikorski
Coleman (MO)	Livingston	Skeen
Combest	Loeffler	Slaughter
Conte	Lott	Smith (NH)
Coughlin	Lowery (CA)	Smith (NJ)
Courter	Lujan	Smith, Denny
Craig	Lungren	Smith, Robert
Dannemeyer	Mack	Solomon
Daub	Marlenee	Spence
Derrick	Martin (IL)	Stangeland
DeWine	McCain	Stenholm
Dickinson	McCandless	Stump
DioGuardi	McDade	Sundquist
Dreier	McEwen	Swindall
Durbin	McGrath	Tauke
Eckert (NY)	McKernan	Taylor
Edwards (OK)	McMillan	Thomas (CA)
Evans (IA)	Meyers	Vucanovich
Fawell	Miller (OH)	Walker
Fiedler	Miller (WA)	Weber
Fields	Mitchell	Whittaker
Franklin	Moorhead	Wolf
Frenzel	Morrison (WA)	Young (AK)
Gallo	Nielson	Young (FL)
Gekas	Oxley	Zschau
Goodling	Packard	
Gregg	Parris	

ANSWERED "PRESENT"—2

Crockett Dymally

NOT VOTING—38

Applegate	Heftel	Rangel
Armey	Hoyer	Savage
Bliley	Huckaby	Siljander
Brown (CA)	Hunter	Smith (NE)
Coble	Kemp	Solarz
Crane	Leach (IA)	Spratt
Dingell	Lewis (FL)	Stallings
Dornan (CA)	Lundine	Stark
Emerson	Madigan	Sweeney
Ford (MI)	Manton	Udall
Ford (TN)	Monson	Wilson
Gilman	Obey	Wirth
Gingrich	Pursell	

□ 1020

So the Journal was approved.

The result of the vote was announced as above recorded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

FATHER TIMOTHY O'BRIEN

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, I ask my colleagues to join me this morning in welcoming Father Timothy O'Brien as our guest chaplain.

Father O'Brien has a rich background in the State of Wisconsin and in our Nation's Capital. He graduated from St. Mary Springs Academy in Fond du Lac and received a bachelor of arts degree from St. Francis de Sales College in Milwaukee and a degree in theology from St. Francis School of Pastoral Ministry. He received his master's degree in political science from Marquette University, and his Ph.D. political science from Catholic University of America.

He was ordained as a priest for the Milwaukee Archdiocese and has served as the assistant pastor of St. Matthias Parish in Milwaukee. He also has served as a liaison for social concerns to the U.S. Catholic Conference in Washington, and the Wisconsin Catholic Conference in Madison, WI for the Milwaukee Archdiocese. Additionally, he acted as the national director of communication for the Catholic League of Civil Rights.

Currently, Father O'Brien is an assistant professor of political science at Marquette University. He is a widely respected author and lecturer on religion in politics and interest group politics and has completed a national study on inner city private schools and coauthored a book, "Inner City Private Schools." He also has produced a TV movie based on this study entitled "Miracle in the Inner City."

Father O'Brien is a special friend, and I have had the privilege of benefiting from his wisdom, guidance, and encouragement for many years.

He is held in high regard in the academic and religious communities. He is also held in extremely high regard in my office. In an effort to broaden his educational base, Father O'Brien has logged many hours in congressional offices. He worked in the office of the late Congressman William H. Steiger, and during the past two summers, my office has had the privilege of working with him. He brings to the office intelligence, compassion, and a marvelous sense of humor.

It is truly a pleasure working with Father O'Brien, and it is an honor to have him here today as our guest chaplain.

DENIAL OF MEDICAL TREATMENT FOR SOUTH AFRICANS

(Mr. LELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LELAND. Mr. Speaker, in light of the historic first step this House undertook yesterday to destroy apartheid, I'd like to bring to my colleagues' attention a disturbing article that appeared in the Washington Post yesterday. I request that the article appear in today's CONGRESSIONAL RECORD under the section entitled Extensions of Remarks.

The Post has learned that South African Police keep watch at all area hospitals to arrest any blacks with gunshot wounds. The wound is used as evidence of involvement in so-called riotous clashes with the police. Fearing arrest, many blacks are foregoing medical treatment—or operating on themselves—and dying as a result.

I find it tragically ironic that while some fear offending South Africa with strong opposition to apartheid, horrendous human rights violations in South Africa continue to surface.

According to the National Medical and Dental Association in South Africa, police intimidate and arrest patients in hospitals, place them under arrest in their beds—sometimes even handcuffed to the bed itself—and often confiscate their medication when transferred to jail cells. These patients are even denied access to the last rites.

In the face of these atrocities we cannot—we must not—continue President Reagan's "quiet diplomacy." In passing the Anti-Apartheid Act of 1985 the House took the first step toward a nonviolent end to apartheid. We now must complete the walk toward freedom for all South Africans. Thank you.

SUPPORT THE COMMUNIST RESISTERS IN NICARAGUA

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, a few weeks ago, on the very day the House was putting itself through another futile debate on Nicaraguan aid, a Soviet ship unloaded more than \$14 million in military hardware at a Nicaraguan port.

When the House came up empty, the Soviets raised the stakes. The very next day, the little dictator from Managua, Daniel Ortega, took off for Moscow with a new and expanded shopping list.

Next week, the House will have another chance to provide a bare minimum of support for those resisting Communist domination in Nicaragua.

If we waffle again, it will be another signal for the Soviets to up the ante and for Ortega to put on his green fatigues and take another shopping trip.

This time he could come home with the missiles and Mig's some Members of this body are waiting to see before

they become convinced something sinister is going on south of the border.

But by then, it might be too late.

Let's keep our marines and the little dictator at home by supporting those willing to give their lives in a fight we all want to avoid.

TORNADO-RAVAGED AREAS AIDED, THANKS TO FEDERAL DISASTER ASSISTANCE

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, late Friday night, last week, a number of tornadoes touched down in my district in Pennsylvania. They caused untold damage and personal tragedy.

Late Monday morning the White House awarded Federal disaster relief status to those areas hit by the tornadoes.

On Tuesday, Vice President GEORGE BUSH flew to Pennsylvania to tour the damaged areas and to convey the message that Federal assistance would be forthcoming.

What the Vice President and the President did not say, is that if they had their way there would be no Federal disaster assistance.

I rise today to thank responsible Members of both parties in both Houses of Congress for resisting administration proposals to eliminate these critical programs. Even now the administration has cut the level of Federal assistance, raised disaster loan interest rates, introduced strict eligibility requirements, and reduced disaster aid funding.

I am glad that the Congress, and not the President, has had the last word on protecting disaster relief programs. The people of my district are more than glad, they're relieved.

CANADA'S TAX ON TOURISM LITERATURE STRAINS INTERNATIONAL RELATIONS

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONER of Tennessee. Mr. Speaker, during the summit meeting in March between President Reagan and Canadian Prime Minister Brian Mulroney our two governments resolved a problem of great importance to the U.S. tourism industry. Prime Minister Mulroney gave his word that he would take steps to exempt travel literature from a 10-percent excise tax Canada has imposed for 3 years. That tax brazenly goes against all other international practice related to trade in tourism.

The resolution reached between the two heads of State specifically agrees

that Government-sponsored tourist literature and literature printed by chambers of commerce, automobile associations and "similar organizations" would be exempt from the tax. The Canadians amended their law in May to exempt government-sponsored literature, but this only fulfills half of the agreement. They are now claiming that the second stage of implementation, which we can expect in a year or so, will cover the nongovernment entities.

This doesn't even begin to solve half of our problem. It merely confuses the issue. This tax is imposed arbitrarily at the border. It causes great confusion and continuous problems with Canadian customs officials.

This is a slap in the face to President Reagan and to many Members of Congress who have patiently sought a resolution to this taxation problem. We have brought this subject up at interparliamentary meetings between Canada and the United States. We have worked through the State Department and other international bodies to convince the Canadians that the strain on international relations is not worth the meager amounts of money being collected at the border. Today I am adding my name as a cosponsor to H.R. 1002 which would impose a retaliatory tax on Canadian literature entering the United States and I urge my colleagues to join me.

CENTRAL AMERICA: A DOSE OF REALITY

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, on this day 41 years ago, the combined forces of the Allies mounted the greatest seaborne invasion in history, on the coast of France. Some 10,000 men of that force became casualties by the end of the day; it was the beginning of the great campaign to start a second front in Europe, and to end World War II.

The D-day invasion was one that Americans supported; it involved a terrible cost, but it was one that our people understood and accepted.

But that is not the case in Central America. The people of this country are not anxious or willing to start a war in Central America. Nor do the people of Central America see us as liberators. Yet, President Reagan continues to build up an elaborate command center in Panama; he continues to build up vast military installations in Honduras. He is doing all he can to get Costa Rica to abandon its historical neutrality; and he refuses to undertake any negotiation that could possibly avoid warfare in one of the world's most impoverished regions.

This is not a policy that our allies support; it is not a policy that our people support.

Yet here we are, talking openly about an invasion of Nicaragua, and talking about more aid to the so-called Contras, whose lack of success and lack of popular support among Nicaraguans is nothing short of breathtaking.

Some want to support this new aid because they are embarrassed and offended that the Nicaraguan President went to Moscow looking for help. Some want to support this new aid because they fear being accused of "losing Nicaragua." But where else would Nicaragua go for help but Moscow, if our Government turns away all possibilities of negotiation, let alone moderation and conciliation? And who thinks that Nicaragua was ever ours to lose in the first place?

The truth is, if the Nicaraguan Government is anti-American, it is more because our policies fostered that, than anything else. Who created Somoza? We did. Who killed the popular revolution of Sandino? We did. And who among our allies supports the Reagan policy? Nobody. More of the same old policy of bullets and bombs will not save Nicaragua; this is the policy that has driven it away, isolated democrats in that country, and made it easy for the Sandinistas to use anti-American sentiment as the tool to consolidate their power. Why compound our error?

SWEDISH FLAG DAY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, today is recognized in Sweden as Swedish Flag Day. Although this holiday was first observed in 1916 and honors the Swedish flag, it also commemorates the election of Gustavus Vasa, a young nobleman, as King in 1523.

Gustavus Vasa encouraged the adoption of the Lutheran religion in Sweden, increased the power of the throne and laid the foundation for the modern state. He centralized the administration, dealt harshly with revolts, built an efficient army, and encouraged trade and industry.

It was also on this day that the oldest written constitution in Europe was adopted in Sweden in 1809.

The day, a national holiday in Sweden, is celebrated as the King presents a national flag to Swedish organizations and societies at a special ceremony. It is observed by Swedish-Americans throughout the United States with appropriate outdoor festivities.

TAX REFORM—THE PRESIDENT IS UNDULY POLITICIZING IT

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, I favor tax reform. Our present code does indeed contain far too many shelters and other loopholes and is unnecessarily complex.

I believe the President has been correct in joining in highlighting these points, but I want to express to him my deepening concern about his statements of recent days.

First, he is more and more projecting the feeling that his approach to tax reform is motivated more by the desire for partisan political gain through impact on party alignment than the good of the Nation.

Second, I resent the President's recent comments in some States that because of the deduction for State and local taxes, certain States have been subsidizing other States which, the President claims, have not yet learned how to say no to special-interest groups. That issue is far more complex than this latest one-liner of the President. Certain States suffered more woefully than others during the recession of the early 1980's, and over the years some bore the weight of migration to their States.

Mr. Speaker, the President apparently softens or hardens his comments, depending on where he is speaking, but many of us hear all of them and say to the President, "Beware."

□ 1040

NICARAGUA—ANOTHER VIETNAM

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, our great Nation, born in revolution, has often played a noble role on the world stage, but there have been incidents in our history upon which the American people must look back in shame. More often than not, those events occurred when willful men, abusing the trust of the people, dragged the United States into nefarious international adventures.

We are nearing such a moment of shame now. Ronald Reagan obviously will stop at nothing, up to and including creating phony incidents to drag the United States into war against the less than 3 million poverty-stricken people of Nicaragua. Next week this House has another opportunity to stand with the American people against Ronald Reagan's adventurism.

I urge the American people to tell their Representatives in Congress now, Nicaragua must not become another Vietnam.

INVITATION TO THE PRESIDENT

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, I read in the paper yesterday that the President of the United States was in Oklahoma. He was invited by our junior Senator, who wanted him to visit an AT&T plant so that the President could see that there is something other than oil and agriculture in the State of Oklahoma.

I wish I had known early enough, because I want to invite the President to go to Pushmataha County in the southeast part of the State, one of my 20 counties, where we have approximately 20 percent of the people unemployed.

Nearly three-fourths of the counties that I have in my district have double-digit unemployment, low per capita income of less than \$5,000 and outmigration of 50 percent of the people in the last 50 years.

I was shocked when I saw that the President and his aides have not done an economic analysis of what would happen to jobs and industry in this country if the tax reform package was accepted in total.

I can tell you from my analysis what would happen if the tax reform package would be accepted in total. It will cause the greatest erosion of American industries overseas than any time in history, at a time when we have seen under the policies of this administration the U.S. trade debt skyrocket from \$28 billion to \$130 billion a year. The U.S. trade debt is five times greater during the 4 years under President Reagan. We have exported over 4 million jobs during the last 4 years, at the same time in my district in Oklahoma we have double-digit unemployment.

Our people are crying out for jobs. They are crying out for industry to be built in our Nation, not overseas in foreign countries. We need to get our priorities straight.

GASEOUS DIFFUSION PLANT TO REMAIN OPEN

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, yesterday the U.S. Department of Energy officially announced that the Paducah, KY, gaseous diffusion plant operated by Martin Marietta Corp. would not be closed. In fact, there will be an increase in production of enriched uranium at the Paducah plant.

There are 1,300 employees at the Paducah gaseous diffusion plant, the biggest employer in my congressional district.

This was and is news because a decline in the worldwide demand for uranium enrichment has caused the Department of Energy to halt production at one of the three Government-owned gaseous diffusion plants, the other two being in Ohio and Tennessee.

White House and Energy Department officials yesterday predicted the Paducah plant would be vital to Government needs through and beyond the year 2000.

The people of western Kentucky are indeed grateful to the U.S. Department of Energy, Secretary John S. Herrington, and former Energy Secretary Donald P. Hodel, now Secretary of the U.S. Department of the Interior.

THE TAXPAYERS' BILL OF RIGHTS

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, when it comes to the subject of tax reform we seem to repeat ourselves. That is, from session to session we seem to talk about the need for reform, and continue to close our sessions without having reformed it.

I am pleased that the administration has taken a first step toward needed tax simplification.

However, in addition to resolving the fiscal part of our tax system, there is a critical need to consider some of the system's other shortcomings as well. In this case, I am referring to the need, to inject equity into the Internal Revenue Service policies, and treatment of our Nation's taxpayers. That's why I have introduced the Taxpayers' Bill of Rights.

This legislation addresses such problem areas as questionable tax enforcement practices, disclosure of rights and obligations of taxpayers, the awarding of costs to prevailing taxpayers, procedures involving taxpayer interviews, provisions for an ombudsman, GAO oversight of the IRS, and an appeals process for adverse IRS decisions.

This legislation is designed to protect the taxpayers against tax collection abuses. By doing this we are taking an important step toward restoring taxpayer confidence in our Nation's tax system.

HOUSE DEMONSTRATES ITS SUPPORT FOR THE WIC PROGRAM

(Mr. KOLBE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, as many of my colleagues are by now aware, the administration has agreed to request the remaining \$76 million appropriated in Public Law 98-472 for the Special Supplemental Food Program for women, infants, and children. The WIC Program was started in 1972 to improve the diet of low-income pregnant and nursing women and young children certified by physicians to be at nutritional risk.

The administration was made aware of the will of Congress on this issue because of a number of actions by both bodies of Congress. I want to thank my colleagues who cosponsored House Concurrent Resolution 146, a measure that I introduced on May 9. This resolution made clear to the executive branch the will of this body regarding the WIC Program. Eighty of my colleagues cosponsored the measure. The range or political philosophies represented on that list was a clear demonstration that the WIC Program has broad support. The interest of my colleagues in the measure was, no doubt, prompted by their concern for the 237,000 women and children who would have been cut from the WIC rolls had the \$77 million not been released. As a freshman, it was also encouraging to see the product that can result when Republicans and Democrats join forces and work together to improve the lives of the people we represent.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2577, SUPPLEMENTAL APPROPRIATIONS, 1985

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 186 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 186

Resolved, That all points of order for failure to comply with the provisions of clause 3 of rule XIII and sections 311(a) and 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived against the consideration of the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes. During the consideration of said bill, all points of order against the following provisions of the bill for failure to comply with the provisions of clauses 2 and 6 of rule XXI are hereby waived: On page 2, lines 7 through 18; on page 3 lines 1 through 10; on page 3, lines 14 through 19; on page 4, line 12 through page 5, line 24; on page 6, line 11 through page 7, line 24; on page 8, line 8 through page 10, line 6; on page 11, line 19 through page 12, line 5; on page 12, line 10 through page 13, line 16; on page 13, line 21 through page 15, line 4; on page 15, line 13 through page 16, line 3; on page 16, line 9 through page 18,

line 3; on page 18, line 15 through page 19, line 11; on page 20, line 14 through page 21, line 5; on page 21, lines 7 through 15; on page 21, line 21 through page 22, line 4; on page 23, lines 1 and 2; on page 24, lines 1 through 12; on page 24, line 20 through page 25, line 2; on page 28, line 10 through page 30, line 4; on page 30, line 9 through page 39, line 18; on page 43, lines 2 through 20; on page 44, line 1 through page 46, line 22; on page 47, lines 1 through 5; on page 47, line 10 through page 49, line 12; on page 49, line 20 through page 50, line 16; on page 50, line 19 through page 51, line 23; on page 52, line 6 through page 54, line 10; on page 54, line 16 through page 55, line 25; on page 56, lines 9 through 11; on page 56, lines 15 through 24; on page 57, lines 5 through 7; on page 57, line 12 through page 60, line 19; on page 62, lines 1 through 21; on page 63, lines 4 through 8; on page 64, line 7 through page 65, line 20; on page 66, lines 1 through 21; on page 67, lines 2 through 6; on page 67, lines 15 through 17; on page 68, lines 1 through 25; on page 69, lines 6 through 16; on page 69, line 19 through page 70, line 6; on page 70, lines 12 through 20; on page 71, lines 1 through 12; on page 72, line 1 through page 73, line 5; on page 73, lines 11 through 13; on page 73, lines 22 through 24; on page 74, line 14 through page 79, line 17; on page 79, line 22 through page 80, line 16; on page 84, lines 1 through 6; on page 84, lines 16 through 18; on page 86, lines 10 through 15; on page 86, line 18 through page 87, line 11; on page 87, line 17 through page 88, line 18; on page 89, lines 14 through 20; on page 91, line 7 through page 92, line 12; on page 92, line 18 through page 94, line 12; on page 94, lines 22 and 23; on page 96, line 14 through page 97, line 9; on page 97, lines 13 through 20; on page 98, lines 24 and 25; on page 99, lines 20 through 25; and on page 100, lines 5 and 6.

It shall be in order to consider the following amendments to the bill printed in the Congressional Record on June 4, 1985: (1) as amendment by, and if offered by, Representative Dorgan of North Dakota, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI and section 311(a) of the Congressional Budget Act are hereby waived; (2) an amendment by, and if offered by, Representative Breaux of Louisiana, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI and section 311(a) of the Congressional Budget Act of 1974 are hereby waived; (3) an amendment by, and if offered by Representative English of Oklahoma, and all points of order against said amendment for failure to comply with the provisions of clauses 2 and 6 of rule XXI and section 311(a) of the Congressional Budget Act are hereby waived; and (4) an amendment by, and if offered by, Representative Studds of Massachusetts, and all points of order against said amendment for failure to comply with the provisions of section 311(a) of the Congressional Budget Act of 1974 are hereby waived. If any portion of the text of the bill beginning on page 25, line 3 through page 28, line 9 is stricken on a point of order pursuant to clause 2 or 6 of rule XXI, it shall be in order to consider an amendment offered by the chairman of the Committee on Appropriations, inserting after page 28, line 9 any portion of such paragraph which has been stricken which does not contain appropriations not authorized by law, and all points of order against said amendment for failure to comply with the provisions of clause 2(c) or 6 of rule

XXI and section 311(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived.

SEC. 2. (a) After the bill has been read for amendment in its entirety and after the disposition of all other amendments, including any considered pursuant to the procedure specified in clause 2(d) of rule XXI, it shall be in order to consider the amendments provided for in subsection (b) of this section. A motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall not take precedence over the amendments provided for in subsection (b). If such a motion is offered as preferential over amendments specified in the second sentence of clause 2(d) of rule XXI, and is adopted, the Committee of the Whole shall not rise but shall proceed to the consideration of the amendments provided for in subsection (b).

(b) Pursuant to subsection (a), it shall be in order to consider the following amendments, which shall be considered in the following order only, which shall be considered as having been read, which shall not be subject to amendment except as specified, which shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and which shall be in order although amending a portion of the bill already passed in the reading of the bill for amendment:

(1) the amendment printed in the Congressional Record of June 5, 1985, by Representative Michel of Illinois, if offered by Representative Michel or Representative McDade of Pennsylvania, said amendment shall be debatable for not to exceed two hours, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto, all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI, clause 2 of rule XXI, and section 311(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived, and after debate thereon the amendment shall be subject to the following two amendments:

(2) the amendment printed in the Congressional Record of June 5, 1985, by, and if offered by, Representative Boland of Massachusetts, said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Boland and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI and clause 2 of rule XXI are hereby waived;

(3) the amendment printed in the Congressional Record of June 5, 1985, by, and if offered by Representative Gephardt of Missouri, and said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Gephardt and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI and clause 2 of the rule XXI are hereby waived; and

(4) the amendment to the bill printed in the Congressional Record of June 5, 1985, by, and if offered by Representative Hamilton of Indiana, said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Hamilton and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI, clauses 2 and 6 of rule XXI, and section 311(a) of the

Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. If amendments numbered 1 (as or as not amended) and 4 are both adopted, only amendment numbered 4 shall be considered as having been finally adopted and reported back to the House. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill back to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

□ 1050

The SPEAKER pro tempore (Mr. DURBIN). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, before we begin debate on this resolution I would like to make a unanimous-consent request to make a technical correction in the rule.

Mr. Speaker, at the time the Committee on Rules voted to report a rule on the supplemental appropriation it was agreed that the Hamilton amendment would be debatable for 2 hours. However, due to a typographical error when the rule was filed, only 1 hour of debate was provided for that amendment.

This unanimous-consent request simply is intended to make the correction so that the rule is consistent with the vote in the Rules Committee and the gentleman from Indiana [Mr. HAMILTON] is allowed 2 hours of debate on his amendment. This request has been cleared with the minority.

Mr. Speaker, I ask unanimous consent to make a technical correction to House Resolution 186 to provide 2 hours of debate on the Hamilton amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, House Resolution 186 is a rule waiving certain points of order and providing procedures for the consideration of H.R. 2577, the supplemental appropriations bill for fiscal year 1985. The rule waives clause 3 of rule XIII, which requires a Ramseyer in committee reports, and sections 311(a) and 402(a) of the Congressional Budget Act against consideration of the bill.

Section 311(a) prohibits the consideration of legislation which would cause the new budget authority or outlay ceilings in the most recent

budget resolution to be exceeded. Appropriations recommended in H.R. 2577 would cause the Committee on Appropriations to exceed its discretionary budget authority allocation for fiscal year 1985 by \$2.7 billion. However, House Concurrent Resolution 152, the House-passed first budget resolution for fiscal year 1986, assumes enactment of the budget authority provided in the supplemental for fiscal year 1985. Since the first budget resolution has not yet been enacted, the increases in the committee's allocations have not yet taken effect; however, the Committee on Rules has granted this waiver in light of the action taken by the House on the first budget resolution and in anticipation of a conference agreement.

Section 402(a) of the Budget Act prohibits the consideration of any legislation which authorizes the enactment of new budget authority for a fiscal year unless it has been reported by May 15 prior to the beginning of that fiscal year. H.R. 2577 contains one provision in which new budget authority for fiscal year 1986 is authorized, thus necessitating the waiver of section 402(a) against consideration of the bill.

During the consideration of the bill, the rule waives all points of order against certain paragraphs of the bill for failure to comply with the provisions of clauses 2 and 6 of rule XXI. Clause 2 of rule XXI prohibits unauthorized appropriations or legislative provisions in a general appropriation bill and clause 6 prohibits reappropriations or transfers in general appropriation bills.

The rule also specifically makes in order four amendments printed in the CONGRESSIONAL RECORD of June 4 and waives certain points of order against those amendments. The first, to be offered by Representative DORGAN of North Dakota, provides \$4.3 million for the necessary expenses for State and local agencies to distribute surplus commodities under the Temporary Emergency Food Assistance Act of 1983. The rule provides waivers of clause 2, rule XXI and section 311(a) of the Budget Act against the Dorgan amendment.

The second amendment, to be offered by Representative BREAUX of Louisiana provides \$4 million for the establishment of the Gillis W. Long Poverty Law Center at the Loyola University School of Law in New Orleans. The rule also waives clause 2, rule XXI and section 311(a) of the Budget Act against the amendment.

The third amendment, to be offered by Representative ENGLISH of Oklahoma, is legislative language requiring a waiver of clause 2, rule XXI which is waived in the rule, as are clause 6 of rule XXI and section 311(a) of the Budget Act. The English amendment seeks to strike language recommended

by the Committee on Appropriations and to insert in lieu thereof language which would require approval of the Secretary of the Army for construction projects on the Arkansas River or on its tributaries and would separate authorization of the Arkansas and Red River projects to ensure that funds authorized and appropriated for the Red River projects cannot be used for Arkansas River projects.

The final amendment is to be offered by Representative STUDDS of Massachusetts and the rule waives section 311(a) of the Budget Act against that amendment. The Studs amendment seeks to make available an additional \$15 million in fiscal year 1985 for the operating expenses of the U.S. Coast Guard. These moneys are to be derived as authorized from the boat safety account of the aquatic resources trust fund.

Mr. Speaker, while these four amendments are specifically made in order in the rule, I should point out to my colleagues that House Resolution 186 does not preclude the offering of other amendments to the bill. Any germane amendment which does not otherwise violate any rule of the House may be offered to H.R. 2577.

During the hearing on the rule for H.R. 2577, the Committee on Rules received a number of requests from authorizing committee chairmen not to provide waivers against unauthorized and legislative provisions recommended by the Committee on Appropriations. In response to their requests, the Committee on Rules did not protect a number of paragraphs in the bill. Chief among those provisions which are not protected against points of order for failure to comply with the provisions of clause 2 of rule XXI are a number of water projects. The Appropriations Committee, in the first paragraph of chapter IV, has recommended 62 Corps of Engineers new starts, of which 32 were previously authorized. The remaining 30 are not authorized but are provided for in H.R. 6, the Water Resources Conservation, Development and Infrastructure Improvement and Rehabilitation Act of 1985, which is currently pending in the Committee on Public Works and Transportation.

House Resolution 186 does not provide a waiver of clause 2, rule XXI against this paragraph of the bill and therefore, a point of order could lie against this particular paragraph of chapter IV. The rule does, however, provide that if this paragraph is stricken on a point of order, that it shall be in order for the chairman of the Committee on Appropriations to offer an amendment to reinsert in that portion of the bill any of those projects stricken on the point of order which are already authorized by law. The rule also provides that should the chairman of the Appropriations Com-

mittee offer such an amendment, that all points of order against that amendment for failure to comply with the provisions of clauses 2(c) and 6 of rule XXI and section 311(a) of the Budget Act are waived.

Mr. Speaker, the bill recommended by the Committee on Appropriations does not contain any funds which would be applicable to the situation in Nicaragua. The rule does, however, make two major amendments and two perfecting amendments in order which deal specifically with the issue of aid to the Contras in Nicaragua.

The rule provides that after the bill has been read for amendment in its entirety and after the disposition of all other amendments, including the consideration of limitations as provided in clause 2(d) of rule XXI, it shall then be in order to consider the Nicaragua amendments specifically made in order in the rule. The rule provides that a motion for the Committee of the Whole to rise and report the bill to the House with such amendments as may have been adopted shall not take precedence over the Nicaragua amendments provided for in the rule and, that if a motion for the committee to rise is offered as preferential over the Nicaragua amendments and is adopted, the Committee of the Whole shall not rise, but shall then proceed to the consideration of the Nicaragua amendments.

The Committee on Rules has recommended this procedure in order that the Nicaragua issue can be considered as separate and distinct from the provisions of the supplemental. This provision of the rule will ensure that the issues in the supplemental and all amendments, including any limitation amendments, will be disposed of prior to the consideration of the Nicaragua amendments made in order in the rule.

When the Committee of the Whole considers these amendments, the rule provides that they shall be considered in the specified order only, that they shall be considered as having been read, they shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and that they shall be in order although they are amending a portion of the bill already passed in the reading of the bill for amendment.

The rule first provides for the consideration of an amendment printed in the CONGRESSIONAL RECORD of June 5, 1985, by Representative MICHEL of Illinois, and if offered by Representative MICHEL or Representative McDADDE of Pennsylvania. The Michel/McDade amendment shall be debatable for 2 hours, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto, and the rule waives all points of order against the amendment for failure to comply with the provisions

of clause 7 of rule XVI, the germaneness rule, clause 2 of rule XXI and section 311(a) of the Budget Act.

The Michel/McDade amendment provides a \$27 million appropriation for direct humanitarian assistance to the Nicaraguan Contras and \$2 million for implementation of a Contadora agreement. The amendment also provides that the President is to direct the administration of the funds and that he is prohibited from funneling the funds to the Contras through either the CIA or the Department of Defense. The funds are to be made available to the Contras in three installments coinciding with the submission of reports by the President to the Congress on what steps he has taken to resolve the conflict in Nicaragua.

Following debate on the Michel/McDade amendment, that amendment will be subject to the following two perfecting amendments. It will first be in order to consider the amendment printed in the CONGRESSIONAL RECORD of June 5, 1985, by, and if offered by, Representative BOLAND of Massachusetts. The Boland amendment shall be debatable for 1 hour to be equally divided and controlled by Representative BOLAND and a Member opposed thereto, and all points of order against the amendment for failure to comply with clause 7 of rule XVI and clause 2 of rule XXI are waived. The Boland amendment contains identical language to current law and provides that no funds are to be made available to the CIA, the Department of Defense or any other intelligence agency of the United States for any activities which would have the effect of either directly or indirectly supporting military or paramilitary operations in Nicaragua.

Following disposition of the Boland amendment, the rule provides that it shall then be in order to consider a second perfecting amendment printed in the CONGRESSIONAL RECORD on June 5, 1985, by, and if offered by, Representative GEPHARDT of Missouri, and the Gephardt amendment shall be debatable for 1 hour to be equally divided and controlled by Representative GEPHARDT and a Member opposed thereto. All points of order against the Gephardt amendment for failure to comply with the provisions of clause 7 of rule XVI and clause 2 of rule XXI are waived in the rule. The Gephardt amendment seeks to delay the availability of the funds made available to the Contras in the Michel-McDade amendment for 6 months.

After the vote on the Gephardt perfecting amendment, the rule provides that the vote will then occur on the Michel-McDade amendment as amended, or not amended, as the case may be. The rule then provides that it shall be in order to consider an amendment printed in the CONGRESSIONAL RECORD of June 5, 1985, by, and if offered by, Representative HAMILTON of Indiana.

The Hamilton amendment shall be debatable for 2 hours to be equally divided and controlled by Representative HAMILTON and a Member opposed thereto and all points of order against the Hamilton amendment for failure to comply with the provisions of clause 7 of rule XVI, clauses 2 and 6 of rule XXI and section 311(a) of the Budget Act are waived.

The Hamilton amendment provides \$14 million in fiscal year 1985 for humanitarian assistance to Nicaraguan refugees who are outside Nicaragua. These funds are to be used to provide such assistance through the International Committee of the Red Cross or the U.N. High Commissioner for Refugees and the amendment provides specifically that the assistance provided is not to be used for the provisioning of combat forces.

Because the rule makes in order two major Nicaragua amendments which differ substantially in philosophy, the rule makes in order what has come to be known as the king-of-the-mountain procedure. Under this procedure in House Resolution 186, even if the Michel-McDade amendment is initially adopted, if the Hamilton amendment is subsequently agreed to in the Committee of the Whole, the Hamilton amendment shall prevail and only the Hamilton amendment shall be reported back to the House. In other words, the last of the two major amendments adopted will be the amendment reported back to the House.

Finally, the rule provides that at the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill back to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. Speaker, H.R. 2577 provides supplemental appropriations of \$13.5 billion in net new budget authority for fiscal year 1985. Nearly half of this amount is mandatory under current law including a \$3.5 billion payment to the Social Security trust fund to cover military service wage credits as required by the Social Security Amendments of 1983. Of the discretionary appropriations, \$3.9 billion is to reimburse the Commodity Credit Corporation for net realized losses sustained, \$2 billion for aid to Israel and Egypt and an additional \$287 million for student financial assistance under the Pell Grant Program.

Mr. Speaker, this supplemental is an important legislative proposal and under the rule it will be fully debated and open to amendment. I urge adoption of the rule in order that the House may proceed to the consideration of H.R. 2577.

□ 1110

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for yielding. Mr. Speaker, the gentleman from Texas [Mr. Frost] has ably explained the rule and it would be redundant for me to go into the same subject matter in detail.

We all know it is an unusual and complex rule fashioned to deal with a complicated situation. It should be adopted.

The Rules Committee met for 2 days on this matter, and we consulted with many Members representing different points of view in regard to the issues and items contained in this supplemental appropriations bill. I think it is accurate to say that no one is completely satisfied with this rule, but that it is acceptable to those most closely involved with this bill and with the process bringing it to the floor at this time.

The members of the Appropriations Committee have worked hard on this very important bill, and they have done an outstanding job under difficult circumstances. They deserve our thanks and they certainly have mine.

I want to state emphatically that the Appropriations Committee is not at fault, because this bill requires a great number of waivers of the ordinary rules of the House. The Appropriations Committee was compelled by its responsibilities to this country and to the House to move forward with this supplemental appropriations bill. The members of the Committee on Appropriations have acted in a completely responsible manner.

This supplemental is a major bill dealing with a number of important matters. In addition to the items contained in this bill, the rule provides for debate and votes on the question of assistance to the democratic resistance forces in Nicaragua.

The rule makes in order a reasonable, bipartisan proposal to be offered by the gentleman from Pennsylvania [Mr. McDade], together with Mr. MICHEL and Mr. McCurdy as well as a proposal advanced by Mr. HAMILTON of Indiana. The McDade-Michel-McCurdy amendment provides the House the opportunity to step forward to support the brave men and women of Nicaragua who are resisting a pro-Communist regime ruling over their homeland. The McDade-Michel-McCurdy amendment deserves our support and I urge its passage.

Mr. Speaker, I ask for a "yes" vote on the rule so that the House can get down to the business of debate.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. Quillen] has consumed 3 minutes.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. Boulter].

Mr. BOULTER. I thank the gentleman for yielding. Mr. Speaker, with a great deal of sadness and confusion in my heart, I rise in opposition to this rule. I find many problems with it, and a lot of misunderstanding about it.

I want to bring to the attention of my colleagues an article from yesterday's paper in Wichita Falls, TX, the Wichita Falls Times, which describes how emergency crews and relief organizations were on standby early yesterday afternoon, as residents of low-lying neighborhoods in Wichita Falls watched 5 inches of rain cause creeks to rise to nearly flood levels.

This is a common problem for that city, Mr. Speaker, a problem that has existed for over 30 years. The last time Wichita Falls had flooding, in 1982, about 31 million dollars' worth of damage was caused.

□ 1120

Annually, damages of about \$4 million in property damage result from flooding in Wichita Falls, TX.

We have in past Congresses, before I got here, Mr. Speaker, attempted to pass badly needed authorization water projects. Last year an omnibus water bill containing somewhere around 300 of these projects, many of which I think were not justified, and not urgent, and not a proper investment, was passed by this body but did not make it through the other body. And the same thing is going to happen this year. Mr. Speaker, H.R. 6 is a multibillion dollar project involving 300 projects, many of which are simply pork and that is all there is to it. But this supplemental bill, Mr. Speaker, contains about 60 projects, as I understand it, all urgently needed, all representing a true investment in our country, about half of which are unauthorized. But I was told by the chairman of the authorizing committee that because there was language in the supplemental bill which made the appropriation subject to authorization that it would be supported. And now I find that these unauthorized projects are being stripped out.

Mr. Speaker, I find this very disappointing. We have created a separate package of some of these projects. H.R. 1558, which is in the authorizing committee, the committee will not report that out because it does not contain everybody's project. Again, it probably will report out H.R. 6, but it does contain everybody's project, it is too expensive, it is too full of pork, and it is not going to be signed into law.

Meanwhile, Mr. Speaker, the creeks are rising today in Wichita Falls, the place is flooding, there are numerous other projects which require immediate attention, and I do not understand this process. I deplore it. I just wanted to speak against it. I just cannot believe this is happening.

Mr. QUILLEN. Mr. Speaker, I would like to advise the gentleman from Texas [Mr. Frost] that I have four more requests for time, and at this time I yield 5 minutes to the gentleman from Pennsylvania [Mr. Walker].

Mr. WALKER. I thank the gentleman from Tennessee very much for yielding me the time.

Mr. Speaker, I intend to oppose this rule. I would hope that most Members of this body would see fit to oppose this rule. This rule is a budget buster. This rule, pure and simple, says that we are going to bust the budget. If you do not believe that, all you have to do is look at the report written by the Appropriations Committee on the supplemental appropriations bill and you will find that they admit that the rule makes in order a bill which is going to bust the budget to the tune of \$2.7 billion.

Now, that is the low figure. I sometimes wonder around here just how we come up with some of the figures that show up in these Appropriations Committee reports. But it is at least that much. It is at least a \$2.7 billion budget buster.

Now, the way we are going to get to that is through this rule, because what this rule does is it makes possible all of that spending without having legitimate points of order raised against it. Page after page after page after page of this bill should be subject to a point of order, but it will not be because all of those points of order are waived under the rule that we are considering here. So the rule is a real test vote here.

What do we want to do about trying to preserve the integrity of the authorization process, the appropriation process and ultimately the budget process?

If you want to just consider the Budget Act that we always regard so sacrosanct around here when we are debating it, and we go down through every number as though life and death depended upon getting that number precisely right during the debates on this floor, and we still come out with massive deficits at the end of that budget process, if you think that that budget process is at all important, consider this about the rule that you are about to vote on: It simply waives the Budget Act with regard to this bill. It says that the Budget Act does not apply as it regards this bill.

This is \$13.5 billion in spending in the supplemental appropriation bill, and we are simply going to say, "Throw the Budget Act out, it does not apply, it is time to spend the money."

That is how this House contributes to deficits. All of you are hearing from your constituents, every one of you, that the American people are disgusted with deficits. And we all go out and we make these great speeches, out

across the country, about how we are worried about deficits, that deficits are a terrible thing and we have got to do something to stop this President from coming up with deficits or stop other Members of Congress from spending the money or doing something about deficits. Raise taxes, some of our colleagues suggest.

Well, the way we come up with deficits is when we spend the money. Here we are going to spend the money, we are going to spend it in violation of the Budget Act when we waive the Budget Act, we are going to spend it in violation of the rules of the House, so we waive the rules of the House. This rule is an atrocity. This rule starts us down the road toward passing a bill later on this day or next week that will bust the budget and bust the budget big. And so next time when your constituents ask you, "Where did the deficit come from?" well, the deficit came from voting for this rule which makes in order a bill which is going to exceed the budget to at least the tune of \$3 billion.

Where you want to stop that process is right here with this rule. Reject this rule and perhaps we will have a chance to get at this supplemental appropriation bill and stop the spending in it which is in violation of the Budget Act, stop the spending which is in violation of the authorization process and get us back to the protections that we have built in, supposedly, for ourselves against overspending.

Approve this rule and what is going to happen is that we are going to go about the business of spending and we are going to end up doing what we have done so often in the past. In the last 5 years this Congress has overspent its own budgets by \$157 billion. Those great sacrosanct budgets that we put in place, we have overspent them ourselves by \$157 billion. This is how it is done: It is done with supplemental appropriation bills and it is done with rules that make those supplemental appropriation bills in order.

I say to my colleagues that I think we ought to reject this rule, we ought to reject it out of hand. It is a budget buster. We ought to turn it down.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. McCurdy].

Mr. McCURDY. I thank the gentleman from Tennessee for yielding me this time.

Mr. Speaker, as a Democrat, I feel it is unfortunate that I had to seek time from the Republican side of the aisle in order to voice a dissent.

Mr. Speaker, I am not going to object to this rule. I am not going to vote against the rule. But I do feel compelled to voice my concern as to the tactics used in developing this portion of the rule dealing with the amendments on Nicaragua.

The Rules Committee has specifically excluded a Democratic Member, specifically myself, from appearing or being designated on the rule by Mr. MICHEL. I appeared before the Rules Committee with Mr. McDADE, asking for a freestanding amendment, the McCurdy-McDade amendment, which was not granted. However, Mr. MICHEL was granted the opportunity to present the amendment. He is presenting the amendment drafted by Mr. McDADE and myself.

Mr. Speaker, I believe the Rules Committee made a mistake in not allowing Mr. MICHEL to designate this amendment the McCurdy-McDade or McDade-McCurdy amendment.

Mr. Chairman, Americans want neither a Republican nor a Democratic policy. Americans want a bipartisan policy for Nicaragua as well as El Salvador that puts the United States on the side of democracy and liberty.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. I thank the gentleman from Tennessee for yielding.

Mr. Speaker, I voted against the rule in the Rules Committee for a number of reasons. Frankly, the whole process stinks. Every year it is unbelievable what we go through on supplemental appropriations and continuing appropriations in the Rules Committee. And we have done it again this time.

But the chief reason why I voted against it in the Rules Committee was the shabby treatment afforded our Republican leader and a bipartisan coalition on their amendment to provide assistance to the democratic resistance in Nicaragua.

The gentleman from Oklahoma who preceded me was specifically excluded. Why? There is a long tradition around here of having bipartisan support for amendments, Republicans and Democrats. But in this instance, nothing doing. It was clear there would not be a Democrat's name on this amendment.

I even had difficulty getting the normal language in there in the Rules Committee, saying that the Republican leader or his designee could offer the amendment. We never got that agreement, as a matter of fact, instead it said Mr. MICHEL or Mr. McDADE, the gentleman from Pennsylvania. It could not even say "or his designee."

I had been led to believe, and I think I can say we had been led to believe, that the majority leadership and our leader or his designee had agreed that we would have a clean shot at offering an amendment on the situation in Nicaragua. But that is not the case under this rule. Instead, the bipartisan Michel-McDade-McCurdy amendment will be subject to two further amendments by the gentleman from Massachusetts [Mr. BOLAND] and the gentleman from Missouri [Mr. GEPHARDT]

amendments which effectively could emasculate the Michel-McDade-McCurdy amendment if they are adopted.

□ 1130

If either of those amendments is adopted, the House will not have an up or down vote on the original, bipartisan proposal; it will be one that is amended and substantially changed. This procedure constitutes, in my opinion, a breach of faith and is inexcusable.

The Barnes-Hamilton Nicaragua alternative, on the other hand, is not subject to amendment under the rule. And on a bipartisan vote, as a matter of fact, we had a Democrat that voted with us to give the gentleman from Illinois [Mr. MICHEL] a clean shot to amend Barnes-Hamilton—give us two bites of the apple, since the other side on this issue gets at least three bites at the same apple. But, no, even in the interest of fairness, that attempt to make this rule fair on the subject of Nicaragua was turned down.

So, instead of having a direct choice between Michel-McDade-McCurdy on the one hand, and Hamilton-Barnes on the other, the House could end up having to choose between Boland-Gephardt on the one hand, and Hamilton-Barnes on the other. This isn't even a tweedle-dee, tweedle-dum choice; it's just plain dumb.

Mr. Speaker, the other major issue facing the Rules Committee was whether to honor the requests made by Chairman WHITTEN and his committee to protect certain unauthorized items and transfers in the bill against points of order. I regret to say that the Rules Committee muffed this one as well. Under the guise of presumably deferring to the wishes of an authorizing committee chairman, the Rules Committee protected certain unauthorized projects but not others.

There's no rhyme or reason to why certain projects were protected and others weren't unless you want to count nonsense rhymes. If the Rules Committee can be credited for anything in all this it is with devising an ingenious new rule of inconsistency.

But that's not the end of it. After turning down some of Chairman WHITTEN's requests for waivers, the Rules Committee turned around and granted four Members—all Democrats incidentally—those same waivers so they could offer amendments to add new unauthorized items to the bill. At least it can be said that this generous grant of waivers to noncommittee chairmen is consistent with the Rules Committee's new rule of inconsistency.

Mr. Speaker, I can't say enough bad things about this rule, but I'll stop here; I think the rule speaks volumes for itself. It all comes down to two simple words: "Fairness" and "consist-

ency." The rule lacks both of these qualities.

It is just a classic case of unfairness and inconsistency. I am sick about it; the whole process. I want to vote for it, because I am trying to keep my eyes on the bottom line; and the bottom line here, to me, is a vote on the situation in Nicaragua. That is why I would even be inclined to think about voting for this dastardly rule or the bill itself, even if it had eliminated a project in it in my district.

I hope our colleagues will be aware of this process, and that we will stop doing it. We voted on a rule in the Rules Committee when we never even had a copy of it before us in printed form. I kept asking questions because I was worried about voting on a rule that I had not even seen.

What happened? They messed themselves up. They did not give the Barnes-Hamilton amendment the same amount of time as the Michel-McDade-McCurdy amendment, and had to ask for unanimous consent to change it.

The process stinks; we have got to stop doing this.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. I thank the gentleman, Mr. QUILLEN, for yielding me this time.

Mr. Speaker, I rise reluctantly to support the rule. I am very disappointed in this rule after reading it last night late when it came. I tried to make some analysis of why the rule was written the way it was, and I find so many inconsistencies, so many irregularities in this rule that it is really shocking. It is becoming increasingly so as we see more and more of these types of rules coming down the path.

I guess I can use a phrase that we hear once in a while: "Here we go again." In chapter 4 that I am particularly interested in, points of order were waived on some projects; not others. Our Subcommittee on Energy and Water spends months studying these projects, and I fully understand the concern that the authorizing committee has made, but we tried to very carefully protect those differences with the authorizing committee and thought, 3 weeks ago, that we had an understanding that we had built a fence around those projects that are very high in priority, and very necessary, yet construction would not start on those projects until they were authorized, but much-needed engineering and studies could continue. They can only continue if they were appropriated money in this supplemental appropriation.

Let us take a look at some of the projects that are not going to be in this bill. Mobile Harbor has a benefit-cost ratio of 4.7 to 1. A very necessary

project for export badly needed to meet our balance of trade.

Mississippi River ship channel, in the gulf to Baton Rouge, it has a B/C ratio of 8.2 to 1. One of the vital links in our transportation system in this country. Gulfport Harbor, a safety improvement. Very badly needed for an unsafe harbor today. Yet, it will not be included in this bill that we can correct it.

Norfolk Harbor. The coal industry at one time was very large in our country. The export market is still there, except we do not have a port today that the large colliers can get in and get out and make it profitable. So the coal importing countries do not import from the United States any more. Norfolk Harbor would help correct this and put us back and be competitive with the rest of the world.

Lock and dam 26 above St. Louis, at Alton, IL. A second lock is very badly needed to get the grain out of Minnesota, and Iowa and the Dakotas so that it can be exported.

The Gallipolis on the Ohio River; West Virginia-Ohio. A bottleneck where the tows have to be broken today. Maybe as high as 3 days tows have to wait and pay demurrage while they wait to get through this antiquated lock system. Yet, we are not going to correct it.

The list goes on of the projects that your subcommittee put in and your full committee put in because they are high priority. When you go back home, you tell the people back home and the American Taxpayers Union, whatever that group is; certainly not businesspeople representing that organization, that would fight badly needed projects like this, it would create jobs, and make us competitive.

When you go back home and your coal miners ask you: "Why can't we export coal any more? Why are we no longer working?" Your factories will say we are no longer able to export because the ports are not deep enough; they are not clear enough; they are not safe enough.

When you tell your people back home, well, we buckled under because there was a little, internal argument inside the House of Representatives about whose turf was being stepped upon. The American people are disgusted, rightfully so, that we bicker among ourselves here because we do not want to step on someone's turf.

So when we are no longer competitive and the national debt continues to climb because we can not be competitive for need of better ports and transportation in this country. Tell them it is an "internal problem"; explain that we have a problem inside; that we have to wait for another committee to do its job before we can correct the problems.

Well, I think it is high time that this Congress goes on and does what needs

to be done. Your Appropriations Committee does not like the posture we are put in. But if America is to be competitive, and we must be, we cannot let little differences here interfere.

I am sorry we have the rule that we have today; it is not the proper rule, but it is the best in town we have today. We have got some things in this supplemental that must be appropriated. I will vote for the rule; I know you are going to have to hold whatever you have to do do it. But it is badly needed.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. I thank the gentleman for yielding me this time and the opportunity to share some thoughts with my colleagues on this particular rule.

Mr. Speaker, this rule sets a very important precedent: What we are deciding with this rule is whether or not we will waive requirements to comply with the Budget Act. While we may have different priorities, while we may have different interests, everyone in this Chamber shares concern about the overwhelming deficit this country has accumulated.

Two hundred and fourteen billion dollars is the latest estimate of this year's deficit. It appears it will be higher than that with the slowdown in the economy in recent months. Ladies and gentlemen, this bill throws that Budget Act out. It says in this rule that we will ignore the budget; that we will not stay within the limits; that we will waive even those liberal guidelines. This is a very clear and precise vote. It is a test of whether or not we have the willingness to stay within that budget guideline.

The guidelines call for an enormous deficit; one of the largest of any country in the history of the world. What we are seeing with this rule is that we are going to throw even those guidelines out; that in effect we want a deficit even bigger than \$214 billion. Ladies and gentlemen, the issue is not just the billions of increased spending. The issue is a test of whether this House will live with any limit; whether we will give credence to any budget plan; whether we are willing to stand within any guidelines.

If we are to have any credibility at all in putting this country back on the road of controlling deficits and interest, we have to turn this rule down.

□ 1140

I hope before the Members vote on this rule they will give consideration to the precedent we are establishing. If we pass this rule and pass this supplemental, we are saying that we are going to ignore the calls of the American people to bring fiscal sanity to this Nation's budget.

Mr. QUILLEN. Mr. Speaker, I know, as I said in the beginning, this is a complicated rule, but we need to have this bill on the floor, and I urge the adoption of the rule.

Mr. Speaker, I yield the balance of our time to the leader on this side, the gentleman from Illinois [Mr. MICHEL].

The SPEAKER pro tempore (Mr. DURBIN). The Chair recognizes the gentleman from Illinois [Mr. MICHEL] for 6 minutes.

Mr. MICHEL. I thank the gentleman for yielding this time to me.

Mr. Speaker, notwithstanding some of the comments, good comments, that have been made by the gentleman from Pennsylvania [Mr. WALKER], the gentleman from Colorado [Mr. BROWN], and our whip on our side, the gentleman from Mississippi [Mr. LOTT], the gentleman from Illinois is constrained to support the rule, and for any number of reasons.

First of all, if we might clear the air a little bit here, yes, it is a \$14 billion total supplemental appropriation bill, and there are some items in here, frankly, I wish were not in the measure, but we also know there is \$3½ billion in here for the Social Security Trust Fund to cover the military obligation that we have in that particular area.

There is nearly \$4 billion in here for the Commodity Credit Corporation for our agricultural communities.

Yes, there is \$1½ billion for Israel, and \$500 million for Egypt in both economic and military assistance.

I think there is nearly \$2 billion for pay supplemental and veterans' benefits of \$200 million.

There is also \$245 million to give better protection to our State Department facilities abroad, prompted by the recent terrorist bombings that have taken place.

There is even a budgeted item in here for student loans of \$665 million.

So there are some very meritorious things in this package of supplementals, and it ought not to be simply discredited out of hand. As for the excesses, every Member certainly is entitled to express himself on those and yes on the process and mechanism by which we are considering this bill.

The whip, the gentleman from Mississippi [Mr. LOTT] pointed out very forcefully, I thought, the machinations of the Committee on Rules in denying Members on the other side of the aisle cosponsorship of that very critical amendment that has to do with aid to the Contras. That is the principal reason why this Member has to support this rule wholeheartedly, because the need for that assistance is urgent and paramount and cannot be delayed any longer. It would be good if we could have it isolated as one specific piece of legislation, but that is not in the cards.

This supplemental has got to move, and move expeditiously. The Speaker was good enough to offer me several weeks ago the opportunity to get another shot at providing humanitarian assistance to the Contras. You will recall a few weeks ago we lost the vote on my second amendment by the narrow margin of two votes. We have rerafted an amendment in combination with Mr. McDADE and Mr. STUMP on our side and Mr. MURTHA, Mr. McCURDY, Mr. ROEMER, and others on the Democratic side. I understand now the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], is prepared to support what we are proposing as a group of bipartisan Members of this House.

I would agree with the gentleman from Oklahoma [Mr. McCURDY], that we ought to have a bipartisan approach on an issue as important as this one in Central America. It has to be.

So stripping away all these machinations that have taken place here, whether one denies this or that Member visibility, or whatever the point is, I have no pride of authorship here. It is a combination of minds working together to get something that will pass this House, and that is of absolute, paramount importance.

So without going into the details of what our McDade-McCurdy amendment calls for Members will have an opportunity to speak on the subject probably next Tuesday when that portion of this measure will be before this body.

But I want to thank the distinguished ranking member for yielding me this time to at least get these thoughts off my mind and to maybe clear the air somewhat. Hopefully the bill will move along expeditiously and then, of course, when those very critical amendments are considered, bear in mind that there will be 2 hours of debate on our bipartisan-supported amendment which I hope will pass with a very wide margin.

As the gentleman from Mississippi [Mr. LOTT] has pointed out, there are also made in order a couple opportunities to weaken our amendment with two additional amendments, each of which will be debated an hour, and then finally the Barnes-Hamilton rerun of that measure will be the last one. As the distinguished member of the Committee on Rules pointed out, the last amendment standing, of course, will prevail. Hopefully Mr. Boland's and Mr. Gephardt's amendments will be defeated and Barnes-Hamilton will finally be rejected after adoption of our bipartisan amendment. In other words the first vote will come on the bipartisan amendment. We want it to pass with a wide margin and all three amendments to it defeated soundly so that on final passage it

is still the bipartisan McDade-McCurdy amendment that remains standing under the procedure outlined in this rule.

Mr. QUILLEN. Mr. Speaker, I again urge adoption of the rule so that we can get down to the business of considering this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no additional requests for time. I urge adoption of the rule and move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 267, nays 149, not voting 17, as follows:

[Roll No. 143]

YEAS—267

Ackerman	Coleman (TX)	Green
Addabbo	Collins	Guarini
Akaka	Conte	Gunderson
Alexander	Cooper	Hall (OH)
Anderson	Coyne	Hamilton
Andrews	Daniel	Hatcher
Annunzio	Darden	Hawkins
Anthony	Daschle	Hayes
Applegate	Davis	Hefner
Aspin	de la Garza	Heftel
Atkins	DeLay	Hertel
Barnard	Derrick	Hillis
Barnes	Dicks	Horton
Bedell	DioGuardi	Hoyer
Bellenson	Dixon	Hubbard
Bennett	Donnelly	Hutto
Bentley	Dorgan (ND)	Jeffords
Bereuter	Dowdy	Jenkins
Bevill	Downey	Johnson
Biaggi	Duncan	Jones (NC)
Bliley	Durbin	Jones (TN)
Boehlert	Dwyer	Kaptur
Boggs	Dyson	Kasich
Boland	Early	Kemp
Boner (TN)	Eckart (OH)	Kennelly
Bonior (MI)	Edgar	Kildee
Bonker	Edwards (CA)	Kindness
Borski	English	Klecza
Bosco	Erdreich	Kolter
Boucher	Evans (IL)	LaFalce
Breaux	Fascell	Lantos
Brooks	Fazio	Lehman (CA)
Brown (CA)	Feighan	Lehman (FL)
Broyhill	Flippo	Lent
Bruce	Florio	Levin (MI)
Bryant	Fogletta	Levine (CA)
Burton (CA)	Foley	Lipinski
Bustamante	Ford (MI)	Lloyd
Byron	Ford (TN)	Long
Campbell	Fowler	Lowry (WA)
Carney	Frost	Lujan
Carper	Fuqua	Luken
Carr	Garcia	Lundine
Chandler	Gaydos	MacKay
Chappell	Gephardt	Madigan
Cheney	Glickman	Manton
Clay	Gonzalez	Markey
Clinger	Gordon	Marlenee
Coble	Gray (IL)	Martinez
Coelho	Gray (PA)	Matsui

Mavroules	Pease	Snyder
Mazzoli	Pepper	St Germain
McCloskey	Perkins	Staggers
McCurdy	Pickle	Stark
McDade	Price	Stenholm
McGrath	Quillen	Stokes
McHugh	Rahall	Stratton
McKernan	Rangel	Studds
McMillan	Ray	Swift
Meyers	Regula	Synar
Mica	Reid	Tallon
Michel	Richardson	Tauzin
Mikulski	Rinaldo	Taylor
Miller (CA)	Robinson	Thomas (GA)
Miller (OH)	Rodino	Torres
Mineta	Rogers	Torricelli
Mitchell	Rose	Towns
Moakley	Rostenkowski	Traficant
Mollohan	Roukema	Udall
Montgomery	Rowland (GA)	Valentine
Moody	Roybal	Vander Jagt
Morrison (CT)	Rudd	Vento
Morrison (WA)	Russo	Visclosky
Mrazek	Sabo	Volkmer
Murphy	Savage	Walgren
Myers	Scheuer	Watkins
Natcher	Schneider	Waxman
Neal	Schumer	Whitehurst
Nelson	Seiberling	Whitley
Nichols	Sharp	Whitten
Nowak	Shelby	Williams
O'Brien	Sisisky	Wise
Oakar	Skeen	Wolf
Oberstar	Skelton	Wright
Obey	Smith (FL)	Wyden
Olin	Smith (IA)	Yates
Ortiz	Smith (NE)	Yatron
Owens	Smith (NJ)	Young (AK)
Panetta	Snowe	Young (MO)

NAYS—149

Archer	Gradison	Pashayan
Armey	Gregg	Penny
AuCoin	Groberg	Petri
Badham	Hall, Ralph	Porter
Bartlett	Hammerschmidt	Ridge
Barton	Hartnett	Ritter
Bateman	Henry	Roberts
Bates	Hiler	Roe
Berman	Holt	Roemer
Billakis	Hopkins	Roth
Boulter	Howard	Rowland (CT)
Boxer	Huckaby	Saxton
Broomfield	Hughes	Schaefer
Brown (CO)	Hyde	Schroeder
Burton (IN)	Ireland	Schuette
Callahan	Jacobs	Schulze
Chapple	Jones (OK)	Sensenbrenner
Coats	Kastenmeier	Shaw
Cobey	Kolbe	Shumway
Coleman (MO)	Kostmayer	Shuster
Combest	Kramer	Sikorski
Conyers	Lagomarsino	Siljander
Coughlin	Latta	Slattery
Courter	Leach (IA)	Slaughter
Craig	Leland	Smith (NH)
Crane	Lewis (CA)	Smith, Denny
Crockett	Lewis (FL)	Smith, Robert
Dannemeyer	Lightfoot	Solomon
Daub	Livingston	Spence
Dellums	Loeffler	Stangeland
DeWine	Lott	Strang
Dickinson	Lowery (CA)	Stump
Dornan (CA)	Lungren	Sundquist
Dreier	Mack	Sweeney
Dymally	Martin (IL)	Swindall
Eckert (NY)	Martin (NY)	Tauke
Edwards (OK)	McCain	Thomas (CA)
Evans (IA)	McCandless	Vucanovich
Fawell	McCollum	Walker
Fiedler	McEwen	Weaver
Fields	McKinney	Weber
Fish	Miller (WA)	Weiss
Frank	Mollinari	Wheat
Franklin	Monson	Whittaker
Frenzel	Moorhead	Wolpe
Gallo	Murtha	Wortley
Gejdenson	Nielson	Wylie
Gekas	Oxley	Young (FL)
Gibbons	Packard	Zschau
Goodling	Parris	

NOT VOTING—17

Dingell	Gilman	Hansen
Emerson	Gingrich	Hendon

Hunter
Kanjorski
Leath (TX)
Moore

Pursell
Solarz
Spratt
Stallings

Traxler
Wilson
Wirth

□ 1200

Messrs. HYDE, PARRIS, CALLAHAN, ROE, HUGHES, LELAND, RALPH M. HALL, MOLLOHAN, and AUCCOIN changed their votes from "yea" to "nay."

Mr. MOLLOHAN changed his vote from "nay" to "yea."

So the resolution, as modified, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1210

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1787, EXPORT-IMPORT BANK ACT OF 1945 AMENDMENTS

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 99-164) on the resolution (H. Res. 192) providing for the consideration of the bill (H.R. 1787) to amend the Export-Import Bank Act of 1945, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1452, REFUGEE ASSISTANCE EXTENSION ACT OF 1985

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 99-163) on the resolution (H. Res. 191) providing for the consideration of the bill (H.R. 1452) to amend the Immigration and Nationality Act to extend for 2 years the authorization of appropriations for refugee assistance, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

(Mr. THOMAS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of California. Mr. Speaker, apparently this gentleman from California's belief that the voting machine was in error is in fact in error and I would ask the Speaker that immediately following rollcall vote 141 that I be shown as having voted "no," had I voted.

The SPEAKER pro tempore. The gentleman's statement will appear in the RECORD.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks on the bill, H.R. 2577, and that I may include tabular and extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SUPPLEMENTAL APPROPRIATIONS BILL, 1985

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Massachusetts [Mr. CONTE] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Mr. Speaker, reserving the right to object, the gentleman's motion is strictly on general debate and it has nothing to do with the amendment process; is that correct?

Mr. WHITTEN. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I did not understand the gentleman's question.

Mr. WALKER. I was having difficulty hearing the gentleman's unanimous-consent request. If I understood it correctly, it was for the general debate only for 1 hour and does not affect the amendment process; is that correct?

Mr. WHITTEN. That is correct, and I believe the rule fixes the time on many of the amendments.

Mr. WALKER. I thank the Chair, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

□ 1214

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2577, with Mr. BROWN of California in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentle-

man from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I say that history repeats itself. In 1959 President Eisenhower vetoed the public works bill, and we failed to override that veto. It went back to the Appropriations Committee, and we cut all of the projects by 2½ percent; passed the bill again, sent it to the President; he vetoed it again, but this time we overrode the President's veto.

Then, as now, the argument was whether we should look after our own country or spend all of our money on foreign aid and other things, much of it, abroad.

Here we bring you a bill in which we attempt to look after public works projects which are badly needed in the United States. For 10 years we have not had an authorization for public works signed into law.

We do not have the gold and silver today to back our money. But we do have our country, and for 10 years we have been unable to get an authorization bill through the Congress that is needed for its development and protection.

This is despite the fact that we have very able men on our Public Works Committee and other legislative committees. It is not their fault. They have tried and tried. But the fact that we have been unable to enact authorization bills of a general nature into law means that we are in a difficult situation here today. I regret that the Rules Committee had to bring out the rule that they did.

We bring a bill here today that is \$69 million below the President's recommendation. I call your attention to the fact that only a few weeks ago the President asked for a \$2.5 billion increase in foreign aid for 2 months. I have had letter after letter condemning the money in here that is for public works in our own country. I have not had a single letter complaining about what is being added as an increase for foreign countries, \$2,375 million.

Is it not ridiculous for us to get in that situation?

We had better start looking after our own country, because defense and all the rest are dependent on how we take care of it.

Mr. Chairman, this legislation is essential. It provides needed funds for dozens and dozens of essential Government programs.

After months of hearings and deliberation, this bill is \$69,111,900 below

the overall amount recommended by the President and provides a total amount of funding of \$13,490,749,000 all of which was requested by your President and my President. Of the amounts recommended by the committee, over 46 percent is considered relatively uncontrollable under existing law. The committee took actions to rescind \$807,201,000 in previously appropriated funds that were deemed to be no longer necessary and recommended transfers of budget authority totaling some \$892,067,000. The bill as reported is also well within the assumptions for the revised 1985 levels of the House passed budget resolution.

The committee bill is below the budget requests of the administration. In developing the bill the committee found it necessary to reflect its own judgment and to rearrange budget priorities in a few critical areas. This was done with prudence.

Let me quote from the committee report:

In preparing this measure, attention was given to the fact that we must work to reduce the deficit and work toward a balanced budget, at a level high enough to protect essential activity. A sound economy and strong public support is necessary in order to maintain national defense. It is absolutely necessary that we must protect and develop our physical resources such as our rivers and harbors, our land and our forests, if we are to remain strong and if we are to continue our position in world affairs. The Committee agrees that our nation must keep the wheels of industry turning, for our present debt is such that increased domestic production is essential.

Mr. Chairman, this is a balanced bill which touches nearly every agency and department of the Government and every part of the Nation.

The measure before us provides funding for the elderly, for the young, for the farmers, for the military, for students, for national energy needs, and for our Nation's natural resources.

And Mr. Chairman, before we complete consideration of the bill, we will also address the Contra issue.

Also, Mr. Chairman, this bill provides a total of more than \$1,700 million for supplemental pay costs to cover the expense of the January 1, 1985, pay increase recommended by the President for Federal employees.

Mr. Chairman, some of the highlights of the bill include the following:

Selected major highlights

(In millions of dollars)

Program supplementals:	Amount
Rental housing assistance—rescission of contract authority	-\$529
Other rescissions	-278
Payment to the Social Security trust fund	3,500
Aid to Israel and Egypt (subject to enactment of authorization legislation and submission of a budget request)	2,000
Guaranteed student loans	720
Food stamps	319
Commodity Credit Corporation	3,936

State Department—security supplemental and buildings abroad	245
International financial institutions	237
Veterans benefits	219
Payment to the Postal Service fund	169
Family social service	79
Student financial assistance (Pell grants)	287
Rail service assistance	69
National Forest System	61
Federal Crop Insurance Program	163
All other miscellaneous items	565

Mr. Chairman, let me say that this bill is the result of considerable effort by many, many people. First I want to thank the ranking minority member of the committee, Mr. CONTE of Massachusetts, and all of the subcommittee chairmen and ranking minority members for their contributions. The bill before you basically reflects the recommendations of the subcommittees. Of course, all 57 members of the committee have been involved in its preparation. I believe this bill deserves your support.

Recently I made some study of the earlier days of our Congress when we had the Articles of Confederation, and when we had the various States, and they wished to put everything back on the States. It did not work at all.

Did you ever think about why we have the word "United" in our Nation's name? It is because they brought all of the States together under the Constitution to work together, and we do not have two sets of people; citizens of the States are citizens of the United States. We are one and the same.

So I say to you as we come to consider this bill, let us decide whether we want to take care of our domestic needs first and then we can look around and see what we want to do for others. It is high time we did it.

History repeats itself. In 1959 Mr. Eisenhower was President and he vetoed the public works bill because it had 67 new starts. We failed to override his veto. It came back to committee and I made the motion for it with the support of the late Mike Kirwan, and the gentleman from Kentucky [Mr. NATCHER] who is here now. We reduced all projects by 2½ percent and sent it back to the President with the new starts retained in the bill. As Mr. Kirwan said, it is the only time that it has been successfully done in history. And I used this argument: Do you mean that you are going to let a budget officer determine what projects which you are going to have and which you are going to surrender—the obligation and the authority we have as a Congress to pick out the projects that we believe in? Are you going to have to wait for 10-year-old authorizations, because for so many years we have been unable to get an authorizing bill enacted into law.

I say the time has come, and I have said it to the Rules Committee, for the

Congress to speak up and meet its obligation to the people of this Nation. I voted for the New York bailout, I voted for the Chrysler loan, because they were sound. This is a big country. I hope you will help us to treat all sections fairly and equally.

□ 1220

I repeat, the funds in this bill are badly needed.

AGRICULTURE

Mr. Chairman, as the gentlemen know, I continue as chairman of the Subcommittee of the Appropriations Committee for Agriculture. Now in the area of agriculture our Government has held farm production off of world markets and given our export markets to our competitors. All the money that they charge up to farmers as a cost of the Farm Program was in part paid to him because they would not let him sell his product. On four occasions the administration has issued embargoes on our exports where the farmers could not sell. But the middleman who bought from the farmer was paid for his loss when you would not let him ship to Russia or Japan or these other places. But if you produced the food or the commodities they did not do anything to help pay you for the loss of your market.

Today we have \$212 billion of debt in agriculture. When at the end of this year the farmers owe interest on that debt, plus the interest on this year's loan, plus the debt for this year, practically all will be bankrupt.

Mr. Chairman, today's Wall Street Journal contains an excellent description of the critical problem now faced by farmers and others involved with the farm economy.

Let me read some of the points mentioned in the article:

The battered farm economy has deteriorated in recent weeks, shoving farm lenders and their customers deeper into the morass.

The Federal Deposit Insurance Corp.'s problem bank list now includes 371 farm banks; last June, the figure was 231. Twenty-four of the 43 banks that have failed so far this year were agricultural banks.

Farm banks—so called because at least a quarter of their loans are to farmers—and other commercial banks with agriculture portfolios together have about \$51 billion in farm exposure. As much as 50% of that debt, or \$25.5 billion, is now "dangerously delinquent or soon to be."

Some bankers predict that as many as 20 Iowa banks will fail this year. In 1984, three failed.

The farm banks' land problem also is getting worse. Through farm failures and foreclosures, banks in recent months have been accumulating farmland in many areas faster

than at almost anytime since the Depression.

Mr. Chairman, it is critical that Members understand the severity of this problem. Agriculture is our largest single industry; it is larger than the auto, steel, and housing industries combined. It is the foundation of our whole economy. A fall in farm income always led off every depression. The warning signs are out.

We have \$500,000 in this bill for a survey to determine how much of the present debt was incurred because the Government would not let the farmers sell their products, or would not help him to keep part of the world market. As a nation it appears now that we will be forced to suspend payment of that part of the debt caused by embargo.

I think that that is highly essential. We have other provisions for agriculture, but the controversy here seems to be on the water projects which are so essential to our major cities and to all parts of the Nation.

I repeat again at this stage and I will speak later on this matter: Should we not retain to ourselves the obligation or the right to exercise our obligation to look after the welfare of our country, because of the debts we owe? The President's budget shows us that our debt is going to be \$2 trillion by the end of 1986, \$2 trillion. Can we afford to let our country go to pot if we are to meet such unbelievable debt? We could leave our children and our children's children all the money in the world, but without a strong land itself they would not make it. But if we protect our soil, prevent our rivers from flooding, if we take care of our country, with our harbors developed, with our streams controlled, with water supply available for our cities then their future can be good for they could set up their own financial system. If you do not go along with this bill and hope that in conference we can take care of the projects that may be left out under this rule, if you do not go along we are going to have a serious situation in our own country.

So I ask the gentlemen's help in going along with the position of our committee. I hope we can handle this matter in such a way that we will have some leeway in conference so that we can look at the projects that the committee provided for in this bill and let the Congress again regain its control from the Office of Budget and Management. We will be living up to our responsibility. We will retain in the Congress the right to designate public works projects.

I hope the gentlemen will go along with us. I am glad to see my colleagues have voted for the rule.

For those unauthorized projects which go out, I hope we can provide for them in conference, subject of course to later approval by the Congress. Since for 10 years the authoriz-

ing committee has been unable to authorize new projects, it is up to us to fill the void. These projects are supported by the local people, by their Representatives in Congress and are very much needed. I am going to do my best in conference to see that they are taken care of as we do under the rule for authorized projects.

Mr. Chairman, I ask for the support of all my colleagues for this essential legislation.

Give us a chance to help our colleagues, many of whom have waited 10 years for equal treatment.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTEN] has consumed 10 minutes.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the past 4 years this House has considered nine general supplementals. These bills fit a pattern, and the bill before us today is cut from the same cloth.

First, consistent with the pattern, most of the money is in a few accounts where we appropriate the amount requested by the President for routine supplementals.

In this bill, \$10.6 billion, or 80 percent of the total, is in 11 programs where we have provided the exact amount of the budget estimate, and which includes food stamps, CCC, the international banks, Israel and Egypt, veterans' benefits, retired Federal employees, and a payment to the Social Security Trust Fund for military service credits.

This part of the bill is like a shiny new car. It is expensive, but you don't have to look under the hood to know that it will get you home.

I wish that we could pass this part of the bill separately, so that our veterans, and people on food stamps, could have their benefits while we stage our annual performance of "roll out the barrel."

Unfortunately, they will wait while we play.

That brings me to the rest of the money in the bill, which is only \$2.9 billion, and which is shown in the committee report as \$69 million under budget.

However, that \$69 million under budget is like a used car with only 69 miles on the odometer. You should look under the hood, and check the odometer very carefully, before you try to drive that car off the lot.

And if you know where to look, you will find that the odometer on this bill has been set back.

For example, if you look on page 7 of the report, you will see that the bill contains \$278 million in rescissions, which is accurate. But you will also see that there was no request for these rescissions, which is not accurate. Of the \$278 million in budget authority rescinded in this bill, \$239 million was in fact requested by the President on

February 6 of this year. If those rescissions are scored as requested, which they were, then the bill is over budget by \$170 million.

In fact, on February 6 the President proposed a total of \$1.8 billion in rescissions, and by rescinding only \$278 million, we are actually over budget by a total of \$1.5 billion.

Now that you have adjusted the speedometer, you should look under the hood.

And you will find that the committee, like the master political mechanics that we are, have made some adjustments.

We cut \$885 million from the supplemental request for defense pay costs, and we approved \$39 million in rescissions which were in fact not requested by the President.

We used those savings to finance \$163 million in unbudgeted pay supplementals, and \$932 million in unbudgeted program supplementals.

Next, take the cap off the distributor, and look very carefully at the wiring.

The pay supplementals that we received from the administration required that DOD absorb only 26 percent of its additional pay costs, while all other agencies had to absorb 72 percent. I think those priorities were wrong, and so did the committee.

By cutting \$885 million from DOD pay, and adding \$162 million for other agencies, we provide that both DOD and the civilian agencies absorb 56 percent of their additional pay costs. I think those priorities are right, and deserve your support.

When we added \$932 million in unbudgeted program supplementals, we included \$171 million for 65 new water projects, which have a total cost now estimated at \$4 billion. While several of the worst projects were stricken by the full committee, it remains to be seen whether we can reach a compromise with the Senate which will be acceptable to the administration.

We added \$168.6 million to cover the additional revenue forgone by the Postal Service due to volume increases and the rate increases implemented in February of this year.

We added \$55.5 million for guaranteed student loans, which is the additional amount required under current law.

We added \$287 million for Pell grants, which is the additional amount required to continue assistance with a maximum award of \$2,100 and a cost of attendance limit of 60 percent as provided by current law.

We added \$35.6 million for foster care and adoption assistance, which is the additional amount required under current law.

We added \$45 million for the Bureau of Land Management to cover funds

already borrowed and spent for emergency firefighting costs.

That's how it looks under the hood.

Most of the program supplementals are required under existing law. Our proposed pay supplementals are, frankly, more fair and equitable than those recommended by the administration.

While I cannot support the water projects on their own, they are only one chapter in this bill.

Each Member must make his or her own judgment, but for my part, I intend to give this car a test drive.

Mr. Chairman, when I testified before the Rules Committee I suggested that if the money for Nicaragua ends up being put in here it might be called pork insurance, to secure the administration's support for some of these water projects. In fact, I wonder whether the Nicaragua money should really be put in the agriculture section of the bill.

In full committee, we made some improvements in the water section of the bill—and the gentleman from Alabama is to be commended for that effort. We removed two projects, and added cost sharing language to the Animas La Plata project in Colorado. But the section is still objectionable.

I talked a minute ago about how you should look under the hood and kick the tires of this car. Well, unless we adopt some of the amendments today to cut back on these water projects, you'd also better look behind the car and see if you're dragging about 5 billion dollars' worth of cement and concrete. Even if it doesn't stop you completely, it's sure going to kill your miles per gallon.

□ 1230

The CHAIRMAN. The gentleman from Massachusetts [Mr. CONTE] has consumed 8 minutes.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may require to the gentleman from Kentucky [Mr. NATCHER], a member of the committee.

Mr. NATCHER. Mr. Chairman, chapter VIII of the fiscal year 1985 supplemental appropriations bill, H.R. 2577, includes \$4,592,841,000 for the Departments and Agencies under the jurisdiction of the Labor, Health and Human Services and Education Subcommittee. This is an increase of \$384,091,000 over the amount requested by the President. Of the total recommended in the bill, \$4,299,841,000—94 percent—is for entitlement activities where payments are mandated under existing law. This includes an indefinite appropriation of not to exceed \$3,500,000,000 for payments to the Social Security Trust Funds required by the Social Security Amendments of 1983. This payment adjusts the credit to the trust funds made in 1983 for pre-1957 military service wage credits. This appropriation is described

in detail on pages 110 and 111 of the committee report. Other mandatory payments include \$79,495,000 for foster care and adoption assistance programs authorized by title IV-E of the Social Security Act and \$720,346,000 for the Guaranteed Student Loan Program.

Chapter VIII includes a supplemental amount of \$287 million for the Pell Grant Program. Adding this amount to the \$3,325 million included in the 1985 Appropriations Act will provide a total of \$3,612 million for Pell grant awards for the coming academic year 1985-86.

In the 1985 appropriation for the Department of Education we recommended, and Congress approved, a maximum Pell grant award of \$2,100 up to a limit of 60 percent of the cost of attendance at a college or university. These provisions were included in the appropriation bill signed by the President on November 8, 1984.

In the 1985 supplemental budget submitted by the President on February 4, 1985, as request was included to reduce the maximum Pell grant from \$2,100 to \$2,000 up to 50 percent of the cost of attendance. We examined this request from the President and found that almost 1 million low income students would receive little or no increase in their Pell grant award.

The subcommittee recommended going along part way with the budget request by providing a maximum grant of \$2,100 up to 50 percent of the cost of attendance. But this action would also have resulted in many low income students attending public community colleges not receiving any increase in their Pell grant award.

In full committee, I offered an amendment which was adopted to retain the maximum grant of \$2,100 up to 60 percent of the cost of attendance. I felt we were right last year when the 1985 appropriation was enacted and I still feel that we should stay with it and make no changes. Millions of low income students have been counting on some increase in their Pell grant award, and I think we should help them as much as we can.

There is a shortfall in the Pell grant program from 1983 and 1984 appropriations of \$468 million. The administration has proposed to borrow this amount from the 1985 appropriation and we have agreed to allow them to cover the prior years' shortfalls in this manner. However it would be more appropriate for the administration to submit a budget request to cover prior years' shortfalls so that continued borrowing would not be necessary.

In any case, we want to make it clear that the supplemental bill includes sufficient funds to provide a \$2,100 maximum Pell grant up to 60 percent of the cost of attendance. In the 1986 appropriation bill, the whole matter of Pell grant funding will be considered

including the problem of prior years' shortfalls.

Mr. CONTE. Mr. Chairman. I yield myself such time as I may consume.

Mr. Chairman, the minority agrees with the gentleman from Kentucky, chairman of the subcommittee on Labor-Health and Human Services—Education.

Mr. Chairman, the labor, health and human services, and education section of this supplemental contains a relatively small number of money items, compared to a number of other sections, although a large Social Security item makes the amount of funding proposed quite significant.

This section provides \$4.593 billion in program supplementals for labor, health and human services, and education programs, \$384 million over the budget request.

Of that total, \$4.3 billion is for mandatory items that need to be provided: \$3.5 billion for Social Security, \$720 million for guaranteed student loans, and \$79.5 million for adoption assistance and foster care.

The balance is for discretionary programs, for which there was no administration request for funds: \$287 million for Pell grants and \$6 million in first-time funding for the Family Violence Prevention and Services Act. There is also \$30 million in trust fund money provided for State unemployment insurance operations.

The largest item is the \$3.5 billion for Social Security, and deserves a word of explanation. It represents the second installment of cashing out the pre-1957 military service credits, as required by the Social Security bailout legislation passed in 1983. The administration requested the full \$3.5 billion, but since the actual requirement won't be finally determined until September 30, the bill provides an indefinite appropriation of up to \$3.5 billion.

Another \$1.07 billion is for Student Financial Assistance Programs. \$720 million is for guaranteed student loans, \$665 million of which, requested by the administration, is to cover shortfalls in fiscal year 1984 and fiscal year 1985. The remaining \$55 million, added by the committee, is to cover the cost of State administrative allowances and loan advances, which the Department had proposed to eliminate in fiscal year 1985, but which a number of States indicated could lead to serious problems in their administration of the program; \$287 million is for Pell grants, to cover estimated shortfalls in the current program during fiscal year 1985. The administration had requested reducing the maximum grant and cost of attendance allowance from the \$2,100/60 percent provided for in the fiscal year 1985 labor, HHS, and education appropriations bill. The committee chose not to reduce the scope of the pro-

gram, but rather to provide the funds necessary to meet the Congressional Budget Office estimates of the full cost of the program at a \$2,100 maximum grant, 60 percent cost of attendance allowance level.

It should be pointed out, however, that the Pell Grant Program remains seriously underfunded. This supplemental does not address shortfalls in the program accumulated during fiscal years 1983 and 1984, estimated by the Department of Education to amount to \$468 million. Somehow this will still need to be addressed in the near future, and represents a serious problem.

I would like to call attention to the \$6 million in first-time funding for the Family Violence Prevention and Services Act, passed as title III of the child abuse amendments at the end of the last Congress. This was an amendment I offered in full committee. It will provide funds to the States to set up shelters for battered spouses and their children. A small portion of the funds, 15 percent, will go toward the establishment of a National Clearinghouse on Family Violence Prevention and to make training and technical assistance grants to local and State law enforcement agencies to provide means for effectively responding to incidents of family violence.

Domestic violence is a major problem that we have swept under the rug for too long. When the authorization bill was being considered in the House, some figures were used that there may be something like 6 million cases of spouse abuse a year, with some 2,000 to 4,000 spouses battered to death.

This program will serve as seed money, providing funds that have to be matched on the State and local levels to set up shelters. No shelter can receive funding for more than 3 years, and the matching requirement goes up each of the 3 years. So we will not be setting up another Federal bureaucracy here, but using Federal funds in their most effective way, as seed money and as an incentive to encourage involvement on all levels in this issue so deserving of attention.

I am pleased to say that this amendment received a wide degree of bipartisan support in Congress from the Congressional Caucus on Women's Issues, of which I am a member, members of the Select Committee on Children, Youth, and Families, and many individual Members in the House and the Senate. It also enjoyed the support of many organizations, such as the Association of Junior Leagues, and organizations in my congressional district, such as the Women's Services Center in Pittsfield.

The other major funding item in this section is \$79.5 million for foster care and adoption assistance, two recently created entitlements that are now growing by leaps and bounds. The

administration requested the \$79.5 million, but request that \$35.6 million of it be transferred from other programs. The committee agreed with the overall amount, but not with the transfer, and so provided the full \$79.5 million by supplemental funds.

Finally, in this section of H.R. 2577, there are a number of bill and report provisions, of greater or lesser significance, dealing with the timing or conditions relating to appropriations items provided in previous appropriations action.

There is one of these I would draw special attention to. The report language concerning the Area Health Education Center Program is of concern to me. It involves a very technical matter of interpretation of the authorization legislation relating to the availability of special initiatives grants. The situation is that there are a few States that have rather unique AHEC setups, involving regional AHEC's that were set up over a staggered period of time. Some of those regional AHEC's have completed their 6 years of core Federal support, while other regional AHEC's in the State are still in their 6-year core support period.

In 1981, in the Omnibus Reconciliation Act, a Special Initiatives Program was set up to allow small grants to those AHEC's that had completed their 6 years of core support for innovation and development. That act did not take any special recognition of the unique way that the AHEC's Program is set up in two or three States across the country, and the question is how those unique programs should be treated under the Special Initiatives Program. Since the statute is not clear, one must turn to the report language, where it is clear that the purpose of the new program was to provide a grant program to AHEC's that had exhausted their core support. And since that is the clear intent of the program, the statute should be interpreted accordingly, to make the Special Initiatives Program available to AHEC's that have exhausted their core support, including those regional AHEC's that have done so. It is my belief that the Office of the Secretary in the Department of Health and Human Services should reconsider the position of the Health Resources and Services Administration on this issue, in light of the need to make the interpretation of the statute reflect the intent of Congress in creating the program. There is absolutely no clear program or policy reason to sidetrack this intent through a narrow reading of the statute that goes off on a technical interpretation not clearly grounded in the meaning of the statute or in the intent of the Congress, and I would urge the Department, on this small issue of great importance to me, to reconsider the issue accordingly.

Mr. WHITTEN. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Chairman, chapter VI, the HUD-independent agencies chapter, is truly noncontroversial. I'll take just a few minutes to highlight the key provisions of this chapter.

We have included supplemental appropriations of \$239,700,000. Offsetting that amount, a total of \$628,846,000 is proposed for rescission. And of that amount—\$24,906,000 is in response to section 2901 of the Deficit Reduction Act of 1984.

Under the Department of Housing and Urban Development, the committee is recommending that an additional \$528,940,000 of section 236 budget authority be rescinded. This action will complete the conversion of units receiving rental assistance payments to the Section 8 Subsidy Program. This conversion process has been underway for a number of years. It provides a long-term solution to the problem of inadequate funding to amend RAP contracts.

Second, under HUD, the administration proposed that \$253,137,569 of excess 1985 public housing operating subsidy funds, be rescinded. The committee has recommended reducing that rescission to \$75 million and the bill also includes language which will permit unutilized funds to be carried over from 1985 to 1986. In reducing the rescission, the committee recognizes that additional funds will be required in 1986 over and above the budget request of \$1,010 million. To meet actual performance funding system requirements for operating subsidies next year.

The committee has included \$500,000 under the Consumer Product Safety Commission to continue the interagency study of cigarette fire safety. The purpose of this effort is to study cigarettes which are more rapidly extinguished to reduce the risk of household fires.

In connection with the Environmental Protection Agency the committee is recommending a supplemental appropriation of \$20 million to help implement EPA's expanded responsibilities under amendments to the Resource Conservation and Recovery Act passed last November. In order to provide EPA with the resources to undertake these new activities the committee approved a \$21 million reprogramming in January. This \$20 million supplemental appropriation will add 50 work-years and provide the necessary funds for meeting the new permitting and enforcement activities outlined in the legislation.

With respect to the Veterans' Administration, the committee has included the requested \$175 million for compensation and pensions and \$44.2 million for readjustment benefits.

These amounts will provide funding for added entitlement benefits authorized by the Congress last year.

For increased VA pay costs, the committee is recommending supplemental appropriations of \$186,050,000 in new budget authority and \$2,712,000 in transfers. This involves the largest single increase in our chapter—\$80 million for the VA's medical care appropriation. The administration had requested a \$72,524,000 supplemental appropriation in medical care and proposed that the VA absorb an additional \$106,695,000.

Requiring the VA to absorb more than \$100 million would cause medical care staffing to drop 2,100 positions below the 193,941 established when Congress passed and the President signed the 1985 HUD-Independent Agencies Appropriation Act.

I want to make clear that the committee does not agree that hospital staffing should be reduced. Such action not only limits the number of patients that can be treated—but—more importantly—it reduces the quality of care to levels that could threaten the safety of the VA patients.

For those reasons, the committee has recommended that \$152,524,000 be provided for increased pay costs in the medical care account. This increase of \$80 million will allow the VA to maintain an average employment of 193,941 and avoid unnecessary and potentially damaging reductions in required medical activities.

Finally, Mr. Chairman, I want to touch on an item that is not included in the bill. The Federal Emergency Management Agency proposed a transfer of \$3.1 million to the salaries and expenses appropriation from the emergency management planning and assistance account to cover a projected salary shortfall of approximately \$3 million. In addition, FEMA requested that \$2,472,000 be transferred from the same account to provide for increased pay costs.

The committee is not recommending any transfer of funds the report on page 99 details the rationale behind this action—but I would like to touch on one or two points.

The simple fact is that FEMA has been employing more people than it can support on an annual basis. But what is more troubling is that the Agency and its management has been aware of the problem and has not taken action to correct it.

This management problem dates back to fiscal year 1984 when the Agency obligated \$3.7 million more for salary costs than were budgeted. The additional funds were taken from other objects such as travel and equipment. And today—1 year later—FEMA still has more employees on board than it can support. This violates existing law which states that funds should be apportioned to prevent obli-

gations or expenditures at a rate that would require a supplemental appropriation. The fact is that FEMA is technically in violation of the Anti-Deficiency Act.

Also, contributing to the problem is the fact that unused funds targeted for salaries under the Government preparedness activity were used to augment the management function. FEMA took this action without informing the committee and in clear violation of established reprogramming procedures. At the end of fiscal year 1984, approximately 100 people were augmenting the management function—but the simple fact is that the Agency did not have the funds available to support those positions.

The committee's recommendation is intended to force the agency to reduce employment now rather than later. The fact is that even if all the funds requested for transfer were provided in 1985—FEMA would still have to reduce employment by several hundred positions in order to get down to a level that it can support in 1986.

Mr. Chairman, this situation is intolerable. The Agency is purposely attempting to force the Congress to provide a supplemental appropriation. For all practical purposes, FEMA management is ignoring the problem—because that management expects the Congress to come to its rescue. In other words, FEMA is telling us that unless we provide the money—it will furlough hundreds of employees.

I recognize that this action is tough—it is difficult—but I believe it is necessary. Why is it necessary—because it goes to the very heart of the constitutional relationship of the Congress and the executive branch as it relates to the power of the purse. I urge the Members of this House to support the committee's recommendation.

Mr. GREEN. Mr. Chairman, chapter VI of this bill, the HUD and independent agencies chapter is very noncontroversial, but does meet some important national needs. I should like to detail just a few.

This bill includes \$5 million for the EPA to continue its work in implementing the Resource Conservation and Recovery Act, enacted last year. This money is to be used for salaries and expenses, largely for hazardous waste permitting and enforcement activities. This act forms an important part of our national environmental policy and money appropriated for this purpose is a sound investment.

We have provided the Veterans' Administration with \$44.2 million in funds for readjustment benefits. These additional funds will assist Vietnam-era veterans by increasing their educational subsistence benefits. This addition is necessary to make the increased payments authorized by the Veterans' Benefits Improvement Act

of 1984. This is consistent with this House's support of Vietnam-era veterans and is an important part of our Nation's veterans' programs.

Finally, Mr. Chairman, chapter VI contains a rescission of \$75 million in operating subsidy money for low-income housing projects. This is substantially less than the amount of the rescission requested by HUD, but reflects what we on the subcommittee believe to be a level that will allow local public housing authorities to meet their obligations.

Let me conclude by saying that the minority is in full agreement with the chairman of the subcommittee on this chapter of the bill, and I urge Members on this side of the aisle to adopt this chapter and the bill.

Mr. CONTE. Mr. Chairman, chapter VI contains our committee's recommendations for —\$389.2 million, including rescissions of budget authority in the amount of \$99.9 million, rescissions of contract authority in the amount of \$528.9 million and \$239.7 million in new appropriations.

We have included the administration's requests for \$175 million to the Veterans' Administration for compensation and pensions payments and \$44.2 million to the VA for readjustment benefits. We have approved a deferral request of the National Science Foundation for \$31.5 million in science education funds, and we have approved a request from the National Aeronautics and Space Administration for clarification of congressional intent in providing a total of \$155.5 million for space station activities in the fiscal year 1985 appropriation act. In addition, we have approved \$24.9 million in deficit reduction act rescissions, most of which had been proposed by the President in February.

For the Department of Housing and Urban Development, the committee has recommended a supplemental rescission of \$23.4 million in contract authority and \$528.9 million in budget authority in response to revised estimates on the number of conversions from the Rental Assistance Program to the Section 8 Program in 1985. We have also recommended the rescission of \$75 million in payments for the operation of low-income housing projects to address revised estimates on 1985 operating subsidy requirements and projections for fiscal year 1986 requirements.

With regard to unrequested program supplementals, the committee has recommended \$500,000 for the Consumer Product Safety Commission to cover costs related to the recently authorized cigarette fire safety study and costs related to meetings of the technical study group.

We have included a total of \$20 million and 50 work years for the Environmental Protection Agency to accel-

erate regulatory development and technical assistance in support of Resource Conservation and Recovery Act-related activities under abatement, control, and compliance.

In title II of the bill, the committee has recommended \$186 million in supplemental appropriations for pay costs, and \$1,712 million in transfers. The majority of the \$75 million increase over the administration's requests is for medical care at the Veterans' Administration, and allows the VA to avoid anticipated reductions in medical care activities.

Mr. WHITTEN. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, I will respond primarily on chapter II, which is under the subcommittee I am privileged to chair.

You might think, to read the newspaper or hear the news, that this whole bill is about Nicaragua. As a matter of fact that is \$14 million; the bill covers between \$13 and \$14 million in supplementals, and there are some very important matters involved totally unrelated to Nicaragua. Chapter II totals about \$408 million in supplemental funds, but we are \$1.5 million under what the amount appropriated in the 1985 enacted law plus the supplementals requested by the administration.

Under this bill, we implement the Comprehensive Crime Control Act we passed here last fall. The prison system is involved; additional Border Patrol agents are involved; drug enforcement is involved; the FTC, SBA, and the Maritime Commission, the SEC, there is funding to enhance security for the embassies overseas where we have had some problems and Americans have died.

There are a number of very important things in this bill that have not received much attention, and I think it should be called to everyone's attention that there are many items affecting virtually everyone in the United States in this bill and that the dispute regarding aid to Nicaraguan Contras is only a small part of the bill.

I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding, and I ask him to yield for the purpose of engaging in a colloquy.

Chairman SMITH, I want to express my gratitude for supporting my request to disapprove the administration's proposal, D85-94 on page 9 of H.R. 2577, to defer the \$8.5 million appropriated for replacement of the training vessel of the State University of New York Maritime College in the supplemental appropriations bill, 1984. The administration has done little, if anything, to pursue the issue of replacing the *Empire State*. That vessel is 33 years old and is becoming more

expensive and difficult to maintain with each passing year.

Now, it appears that the only solution is to again mandate the immediate acquisition of a replacement training vessel for New York, as a continuation of the program that commenced with the replacement of the Massachusetts training vessel, the *Bay State*. I believe the acquisition of a replacement vessel will be cost-effective and in the national interest. I again thank you for your continuing interest and support.

Mr. SMITH of Iowa. The gentleman from New York is correct in his review of this very important issue. Last year, we appropriated these funds for a replacement training vessel and included in the Supplemental Appropriation Act language that authorized all Federal agencies to expedite the acquisition of any vessel declared surplus. Since then, we've received correspondence from the Maritime Administration, stating that continuous surveillance over potentially available ships has identified only three ships—all of which they say are less suitable than current training vessels.

While the Administrator of the Maritime Administration indicated in testimony before our committee that the current ship would be good for a minimum of 5 to 8 years more, we also heard testimony from the admirals of the State academies—including the New York Maritime Academy—concerning the state of disrepair and poor condition of the current school ships.

I agree that the \$8.5 million should be made available. Hopefully, this will also motivate the administration to establish a program for the replacement of training vessels used by other State academies.

I want to thank the gentleman for his kind remarks. I am pleased to have been of assistance.

Mr. BIAGGI. I want to again thank the gentleman from Iowa. I expect that, since this is the second time we have expressed our intentions, the administration will proceed with the acquisition of a replacement training vessel for the State University of New York Maritime College.

Mr. CONTE. Mr. Chairman, chapter II of the supplemental provides \$407.5 million for programs and activities of the Departments of Commerce, Justice, and State, the Judiciary and certain related agencies, \$1.5 million below the budget requests. Of the total amount appropriated, \$336.5 million is for program items, and \$71 million is for pay costs.

The committee has denied all major rescission proposals, the amounts of which are not reflected in the comparisons just cited. Programs which would be required to be funded by this action include \$203 million for the Economic Development Administration, \$100 million for several grant

programs within the National Oceanic and Atmospheric Administration, and \$18.5 million for trade adjustment assistance for firms impacted by imports. The total amount for these three programs, \$321.5 million, represents 86 percent of the total rescissions requested by the President for items in this chapter.

More than half of the total program supplementals included in this chapter, or \$234 million, is for phase II of the State Department security supplemental request. Phase I was funded in Public Law 98-473, the fiscal year 1985 continuing resolution, in the amount of \$110 million. This program was designed as a response to the bombings of our Embassy facilities in Lebanon and Kuwait last year. A number of Embassies are to be relocated and others will receive security upgrades, mostly in the Middle East and Persian Gulf areas. The specific locations are identified in the committee report. Also provided are additional regional security officers, armored vehicles, marine security guards, and improved communications. Security at the main State Department facilities in Washington will also be enhanced.

This chapter also includes \$20.1 million for contractor delay claims and additional operating costs for the Moscow Embassy project. These funds are needed because of unforeseen delays by the Soviet contractor, and the United States will pursue the recovery of some or all of the claims.

Smaller items in the chapter include \$3.9 million for the Arms Control and Disarmament Agency for additional costs related to the Geneva arms reduction talks, \$20 million for the Board for International Broadcasting for the capital modernization plan for Radio Free Europe/Radio Liberty, \$6.6 million to the U.S. Information Agency to continue the facilities modernization program for the Voice of America, and the funding necessary for a number of Department of Justice and Judiciary accounts to meet the increased requirements of the Comprehensive Crime Control Act of 1984 and the Bankruptcy Amendments and Federal Judgeships Act of 1984, including the initial funding for the U.S. Sentencing Commission.

Report language accompanies the bill, including additional views by the three minority members of the subcommittee, dealing with the procedures to be followed by the administration in connection with applications pending before the Federal Communications Commission to provide additional international satellite communications service. Hopefully, agreement can be reached before the House-Senate conference on the bill so that language can be included in the statement of the managers which is satis-

factory to all parties concerned, including Intelsat.

Two controversial transfer proposals have not been approved, namely to transfer \$12.2 million from the Juvenile Justice and Delinquency Prevention Program, and \$3.9 million from the State and Local Drug Grants Program, which funds the Regional Information Sharing Systems [RISS]. The committee continues to support these programs and, therefore, we have denied these transfers.

Finally, this chapter contains all language addressed to the Maritime Administration which prohibits funds to be used to enforce any rule allowing the repayment of construction differential subsidies by ship owners as a means of entering into now proscribed domestic trade, unless legislation is enacted by Congress regarding this matter. Similar language was carried in fiscal year 1984 and fiscal year 1985 appropriation acts.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. ADDABBO].

Mr. ADDABBO. Mr. Chairman, the Defense portion of this supplemental bill deals mostly with providing additional appropriations for pay raise costs.

The first language provision makes available \$1,500,000 from available funds to pay for the expenses of the Commission on Merchant Marine and Defense. This Commission is to address the problems relating to the transportation of defense materials and personnel in time of war or national emergency and report its findings to Congress. It was felt this was an important area that needed a study and the Commission was authorized in last year's DOD Authorization Act.

The other language provision deals with the Civil Air Patrol and corrects an imperfection in the DOD Authorization Act of last year. The provision would allow the Air Force to reimburse the Civil Air Patrol for purchases of major items of equipment. Presently, the Air Force must be the purchasing agent resulting in long delays and most costly purchases.

The committee included a paragraph which provides transfer authority of \$240 million to begin a rewinging program for the A-6E attack aircraft. It has been discovered that the wing life of the aircraft is substantially less than anticipated resulting in the grounding or restricted flight of a number of the aircraft. The committee feels this program should go forward as soon as possible in order to get these aircraft back to full flight status quickly. The committee realizes appropriate authorizing legislation will have to be enacted before this program can go forward and an amendment will be offered at the proper time insuring this fact.

The committee considered supplemental requests to cover the pay raise costs of \$2.2 billion. The committee recommends the appropriation of \$1.3 billion and transfer authority of \$600 million to cover these increased costs. The reduction of \$300 million results from the identification of certain program surpluses, lower personnel strengths, lower contract support service levels, and other areas. The full explanation of these recommendations appears on pages 45 through 51 of House Report 99-142 presently before you.

Mr. Chairman, that briefly describes the defense chapter of the supplemental appropriations bill, 1985.

□ 1240

Mr. CONTE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. McDADE].

Mr. McDADE. Mr. Chairman, the defense portion of this year's supplemental is very straightforward, and in my view, noncontroversial. The administration requested funds only for the annual pay increase for both military personnel (4 percent) and civilian employees (3.5 percent) of the Department of Defense, increases authorized by the Congress last year.

To cover the pay raise, the administration requested about \$2.16 billion. The Appropriations Committee has approved the following approach to meet the request.

The request was reduced by \$337 million, due to surpluses identified by the Department, and also because the supplemental requested funds which were inappropriate for this supplemental; the committee approved an increase in new obligational authority of \$1.28 billion; and finally, it has been recommended that another \$590 million, from other DOD accounts, be transferred to help defray the pay raise costs. These transfers consist primarily of contract savings and anticipated lapsing balances.

The minority members of the committee have endorsed this approach, and I urge its approval by the house.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may require to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, chapter VII of the fiscal year 1985 supplemental bill deals with the Department of the Interior and related agencies and contains a net of \$89,155,000 in new budget authority for program supplementals. That total includes \$146,037,000 of appropriations offset by \$56,882,000 in rescissions. In addition, it contains \$48,725,000 for increased pay costs.

The bulk of the funds recommended for appropriation are for repayment of emergency firefighting costs which have been borrowed from other ac-

counts. These amounts include \$45,000,000 for the Bureau of Land Management; \$3,900,000 for the National Park Service; \$12,850,000 for the Bureau of Indian Affairs; and \$61,247,000 for the Forest Service; a total of \$122,997,000 out of the \$146,037,000 in supplemental appropriations recommended. Other amounts recommended are \$6,760,000 for unemployment compensation costs; \$1,994,000 for the Northern Marianas cost-of-living adjustment; \$4,800,000 for Office of Surface Mining regulatory activity; \$100,000 for costs for the Martin Luther King Center; \$800,000 for late interest payments to States from receipts under the Minerals Leasing Act, \$7,018,000 for Indian trust responsibilities, and \$1,568,000 for construction of an earthquake emergency communications system in Mono Valley, CA.

The bill includes \$48,725,000 for pay costs out of a total liability of \$88,288,000, which means agencies will absorb 45 percent of the cost.

Rescissions include \$26,882,000 pursuant to section 2901, Deficit Reduction Act and \$30,000,000 of contract authority from the land and water conservation fund. The offset fiscal year 1986 requirements, \$8,808,000 in new deferrals have been recommended.

In addition to the appropriations recommended, the bill recommends denying \$1,179,388,000 in deferrals proposed by the administration. Of this amount, \$1,097,776,000 is for constructing and filling the strategic petroleum reserve. The administration proposal is for a moratorium on the reserve for several years. Our hearings bring us to the conclusion that this is not a good policy. There is no more storage capacity left in the reserve; oil cannot be distributed at sufficient rates; there is a lead time of several years for constructing capacity and our ability to cover import reductions will be decreasing in that time; a moratorium does not save money; and overall stocks have not increased for 4 years so that we are not better off than we were before. For all these reasons the bill recommends rejecting the construction deferral and also filling the reserve at a minimum of 50,000 barrels a day in fiscal year 1986.

The bill recommends disapproval of \$38,925,000 out of a proposed \$48,397,000 deferral for fossil energy research and development in the Department of Energy. We believe these funds are necessary to continue a balanced research program in fiscal year 1985 in areas such as magnetohydrodynamics, gasification, liquefaction, cleanup systems, and fuel cells.

The bill also recommends disapproving the deferral of funds for the construction of a tunnel through the Cumberland Gap, based on safety con-

siderations and preserving the historical features of the National Park. Through the efforts of the committee and the physical configuration, Kentucky and Tennessee have agreed to assume maintenance and operating costs of the tunnel and access roads once the tunnel is built.

The committee is providing \$800,000 for payments to States from receipts under mineral leasing to enable the Minerals Management Service to pay late interest payments due to States and Indian allottees from the collection of royalties from mineral leasing operations. The committee is disappointed in the performance of MMS in correcting this deficiency in light of the commitments made in their fiscal year 1984 reprogramming request to initiate procedures to more quickly process royalty information and decrease reporting and data base errors. The committee expects MMS to seek to remedy this problem and implement the procedures outlined by MMS to the committee so that there will be no need for such funding in fiscal year 1986.

Finally, it is recommended that the proposed deferral of funds to the Navajo Indian irrigation project be disapproved.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, chapter VII, Interior and Related Agencies, provides for \$146 million in appropriations, \$56.9 million in rescissions, and \$8.8 million in new deferrals. The committee also recommended disapproval of \$1.2 billion in deferrals recommended by the President.

For the Bureau of Land Management, "Management of Lands and Resources," the committee recommended a straight appropriation of \$45 million to cover emergency firefighting costs. Under authority provided in the general provisions of the 1985 Appropriations Act, the Secretary of the Interior is authorized to transfer appropriated funds from several accounts within the Department to pay for fire costs in excess of appropriations provided. However, this provision also requires that the borrowed funds be replenished with a supplemental at the earliest opportunity. The administration requested no additional funds, but instead proposed to use resources available as a result of a proposed deferral of construction funds for the Cumberland Gap Tunnel project.

In addition to providing the full amount required to cover unanticipated fire costs, the committee recommended disapproval of the \$34.7 million deferral for construction of the Cumberland Gap Tunnel. Although it was agreed to fund the construction of this project, the committee was especially concerned that the operation and maintenance costs be borne by the States involved. It's expected that the

fiscal year 1986 Interior and Related Agencies appropriations bill will contain language to condition Federal appropriations upon an agreement between the States to provide for the operation and maintenance of the tunnel.

Under general provisions for this chapter, bill language is included to prohibit the implementation of a comprehensive Federal land interchange between the Forest Service and the Bureau of Land Management. Part of the interchange may be done without legislation; so this section would prohibit the planning for this program in the absence of authorizing legislation and a comprehensive field implementation plan. The administration objects to this provision and stated that "such a prohibition unnecessarily eliminates potential savings."

Of the \$48.4 million proposed for deferral in Fossil Energy Research and Development, this supplemental disapproves \$38.9 million of the requested amount for deferral. The specific projects are listed in the committee report.

The largest single dollar amount considered in chapter VII addresses a proposed deferral for the strategic petroleum reserve. The administration requested an immediate moratorium on further construction of storage facilities and oil acquisition for the strategic petroleum reserve.

The committee recommendation contained in this bill provides for the completion of the proposed construction at the Big Hill facility in Texas and the acquisition of oil, at a lower rate, to fill SPRO storage capacity. Under this plan, the fill rate for the reserve would be 50,000 barrels a day. The construction deferral was \$271 million, and the acquisition deferral was \$827 million. Both deferrals were rejected.

Finally, of the \$88.3 million needed to cover the total amount of the pay costs, this supplemental provides \$48.7 million for the agencies in this chapter. The administration requested \$19.5 million. The committee also approved \$26.8 million in rescissions, and \$8.8 million in deferrals.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. I thank the chairman and compliment him on his efforts in bringing this bill to the floor.

At this time, I yield to my colleague on the subcommittee, the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. I thank the chairman of the subcommittee for allowing me an opportunity to state and highlight for the record the committee's intention in drafting certain language now under consideration by the House.

In essence, the bill would direct the Secretary of the Department of Trans-

portation to reexamine and, where appropriate, to revoke, suspend, or modify an air carrier's certificate or permit where it is found that the air carrier has violated U.S. law pertaining to the illegal importation of controlled substances or has failed to adopt certain measures to prevent the importation of illegal drugs into the United States aboard its aircraft.

Mr. Chairman, you and I were present during the committee's debate about this language. In an effort to preclude anyone in the public or private sector from concluding that this bill language merely restates existing law and provides no new grant of substantive authority to the Secretary, I would like to pose to you the following questions, if I might:

Do I understand correctly that this language poses upon the Secretary of the Department of Transportation a nondiscretionary duty to revoke, suspend, or modify the certificate or permit of an air carrier upon a finding that the air carrier has violated U.S. law pertaining to the illegal importation of drugs into the United States or has failed to adopt available measures to prevent such illegal importation?

Mr. LEHMAN of Florida. The gentleman is correct.

Mr. MRAZEK. Do I also understand correctly that this duty is distinct from, and independent of, her existing discretionary powers to revoke, suspend, or modify an air carrier's certificate or permit?

Mr. LEHMAN of Florida. This is correct.

Mr. MRAZEK. The committee observes in its report, 99-142 at page 121, that the Department of Transportation has not acted expeditiously or forcefully in stopping the flow of drugs into the United States by air carrier. I would ask the chairman if he will support efforts during the next fiscal year's hearings to have the Secretary account for her efforts to execute and administer the bill's mandate.

Mr. LEHMAN of Florida. I certainly will support the gentleman's efforts on such occasions.

Mr. MRAZEK. I thank the chairman and also the chairman of the subcommittee. Through your leadership, this body continues to demonstrate its unwavering commitment to act forcefully to stop the flow of illegal drugs into the country. I feel, with your continued active support, Mr. Chairman, we will get the job done.

Mr. LEHMAN of Florida. I thank the gentleman.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Transportation chapter of the supplemental provides necessary funds for a number of important programs. Perhaps the most time-sensitive is the provisions of

funds for the salaries of employees of the Interstate Commerce Commission, who have been subject to a furlough program since mid-April. I hope that it will be possible to end the furloughs as soon as this bill is through the House and some indication of Senate intentions with regard to the ICC can be obtained.

We have also included funds for a rail-highway crossing demonstration project in Springfield, IL, and have provided for an increase in the limitation of section 511 railroad loan guarantees, which will permit the Federal Railroad Administration to consider additional guarantee applications.

For the Coast Guard, we have included \$8.4 million for the removal of a railroad bridge that obstructs navigation in Newark Bay, NJ. In addition, we have included funds to liquidate some defaulted railroad loan guarantees, to settle some of the remaining Conrail litigation, and to provide for certain capital improvements on the Panama Canal.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. McHUGH].

Mr. McHUGH. I thank the chairman for yielding time to me.

Mr. Chairman, I rise in support of this supplemental appropriations bill for fiscal year 1985 and urge my colleagues to support it. I would especially like to commend our chairman, the gentleman from Mississippi [Mr. WHITTEN] for his leadership and cooperation in helping to resolve a crisis affecting the Special Supplemental Food Program for Women, Infants and Children [WIC].

The administration requested a total appropriation of \$1.254 billion for the WIC Program for this fiscal year. Congress determined that this was inadequate to maintain current services through fiscal year 1985, and therefore, appropriated \$1.5 billion for the full year, mandating that \$1.254 billion be used during the first 10 months of the fiscal year and that allocations to the States be made at an annual rate of \$1.5 billion during this period. Disbursement of the balance of \$246 million for August and September was made subject to submission of an administration budget request. It was very clear that Congress expected the administration to submit a formal budget request for the balance.

Unfortunately, the administration did not act in conformity with Congress' expectation and intent. The Office of Management and Budget [OMB] initially requested only \$169 million of the \$246 million appropriated for August and September. It refused to allocate funds to the States at the annual rate of \$1.5 billion and, consistent with this lower level of funding, some USDA officials advised States to start cutting caseloads.

As a result of OMB's action, by mid-May approximately 15 States were either cutting WIC caseloads or reducing the amount of food provided to WIC participants. If no action were taken to ensure the release of the appropriated funds being withheld, most States would have had to cut their programs no later than August. An estimated quarter million women, infants and children who are at nutrition risk would have been removed from the program.

The legislation before us would preclude these needless cutbacks. The Appropriations Committee has provided that the full \$1.5 billion appropriation be released. On June 5, after the bill was reported to the House, OMB finally announced that it was releasing the balance of the funds. We welcome that announcement, belated as it is, but also note that this bill directs OMB to release the remainder of the \$1.5 billion appropriation to the States by July 1, 1985.

Furthermore, we expect USDA to allocate these funds equitably. Currently, there is a problem with USDA's allocation of funds because USDA has computed the so-called WIC stability grants on the basis of an outdated and incorrect inflation forecast.

More particularly, there are two problems with the forecast. First, the forecast does not reflect substantial increases in infant formula prices that recently took effect. In predicting infant formula prices, the forecast assumed that formula prices would rise at the rate of inflation in the economy generally. However, this has proven to be incorrect. While the inflation rate for the economy generally is running at about 4 percent, infant formula prices will be approximately 8 percent higher in fiscal year 1985 than they were in fiscal year 1984.

The second error relates to increases in orange juice prices resulting from the severe freeze in Florida this winter. Fruit juice is a major component of the WIC package, and the predominant fruit juice used in the WIC Program is orange juice. However, in forecasting changes in the price of fruit juices, USDA has been tracking changes in the processed fruits and vegetables component of the Consumer Price Index. Since fruit juice in general, and orange juice in particular, constitute only a small part of this CPI series, USDA's approach has failed to fully take into account the increases in the cost of the fruit juices provided in the WIC Program. This problem can easily be rectified. There is another CPI component that is much more appropriate for tracking changes in WIC fruit juice costs—the CPI for frozen fruit and fruit juice. This CPI series conforms much more closely to what is actually happening to WIC fruit and juice costs. I would also note that the CPI has a separate

component for frozen orange juice, a component which could and should be used.

In short, because USDA mistakenly assumed that infant formula prices would rise at the same rate as inflation generally and that WIC fruit juices would rise at the same rate as all processed fruits and vegetables, its forecast for WIC food prices in fiscal year 1985 has been significantly short of the mark.

Accordingly, the committee report accompanying this bill directs that in distributing appropriated funds to the States:

The Department should take into consideration price increases which have occurred in infant formula and orange juice.

We expect the Department to revise its inflation forecast to reflect these and other actual price increases.

In conclusion, I would hope that OMB has finally learned that Congress is serious in its bipartisan support for this highly effective and cost-beneficial program. We have every right to expect the agency to follow the intent and directions of Congress and in all other ways to obey the law.

Mr. WHITTEN. Mr. Chairman, I have no further requests for time at this time.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. MACK].

Mr. MACK. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today out of tremendous concern—concern for what is apparently a misplaced sense of priorities by this House as it moves to approve a supplemental appropriations bill boosting Federal spending up another \$13.5 billion.

I'm perplexed, Mr. Chairman, for we just returned after a week back home with the good people we represent, hopefully listening and learning just what it is they expect from us here in Washington.

And they are adamant about the need to reduce Federal spending. The people back home who pay these bills have one overriding priority: They want meaningful reduction in the Federal deficit and they want it now.

That is their priority. Why isn't it ours?

Here we are, pressing on with yet another herd-like stampede to spend the American taxpayer into oblivion.

As I traveled southwest Florida, the folks there say its time we in Washington got the message and put a stop to this wanton spending and reduce the national deficit.

Is this not the scene of a similar gathering just 2 weeks earlier as we labored and struggled to reach a consensus for \$56 billion in savings—either real or imagined—to bring down the deficit?

Despite appearance of concern for this problem, we will choose once again to ignore the priorities of the American taxpayer and instead cling to an endless spending spree mentality that has characterized Congress over these many years.

I ask each of my distinguished colleagues, how can we in honesty and good conscience, dish out money for 66 new water projects that will drain the Federal Treasury of billions of dollars?

Is this bill justified by spending \$10 million to deal with an outbreak of grasshoppers?

Or by \$300,000 to speed up research and development of shrimp aquaculture, \$500,000 to study cigarettes that will not burn furniture, or almost \$9 million in added spending for the House of Representatives?

Of course not.

These are not the priorities outside of bureaucratic Washington. Yet there they are, items of apparent priority to this body.

It's distressing that in order to obtain passage of this package, two items of serious concern have been or will be loaded into this red-ink agenda.

The long-delayed aid to freedom fighters for democracy in Nicaragua, and the valuable all-important economic support for our friends in the Middle East, Israel, and Egypt, have been wrapped into this otherwise offensive bill.

No less than 2 months ago, a majority in this House turned its back on assistance for the freedom fighters while a smiling, delighted Daniel Ortega was winging his way into the arms of Communist Moscow.

Everyone talks about promoting democracy in Central America. Well, let us now make that commitment and support the Michel amendment.

Israel, of tremendous strategic importance and, certainly one of our closest allies throughout the world, deserves this economic assistance of \$1.5 billion.

As that nation struggles to emerge from great economic distress, it continues to make the needed sacrifices. An austere budget that slashed all important defense spending by \$600 million and raised already high taxes by \$750 million is set. We must continue to help our ally to get its economy under control.

But I am troubled by the encasing of these items in the increased spending package now on the floor. The lessons of last November and the message from those whom we are privileged to represent are clear:

We, in the Congress, must stop this spending and reduce the national deficit.

If not for ourselves, then for the sake of our children and our grandchildren.

As someone who clearly understands this priority of the American people, I will oppose passage of this bill.

Mr. CONTE. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment which will designate an additional \$15,000,000 for the operating expenses of the U.S. Coast Guard for 1985 and 1986.

In addition to funding two other programs, this amendment directs funding for the full operation of the 13 Coast Guard stations on the shores of the Great Lakes. These stations are currently scheduled for closure or consolidation under the Great Lakes consolidation plan. As a Representative of the Great Lakes State of Wisconsin, I am deeply concerned about the safety hazards created by this plan. I am particularly worried about the additional time it will take the Coast Guard to arrive on the scene of an emergency should the plan be implemented.

The Coast Guard station in Sheboygan, WI, clearly illustrates the safety problems created by proposed consolidation. According to the statistical analysis compiled by the U.S. Coast Guard here in Washington, DC, it is estimated the Sheboygan Coast Guard's average response time is 28 minutes. With the closing of this station, the average response time would increase to 84 minutes. Computer generated statistics aside, the Sheboygan Coast Guard personnel estimated their actual average response time to be between 10 and 15 minutes, not 28 minutes, once they are underway. While the Coast Guard finds an 84 minute response time acceptable, I do not. Hypothermia could be a major problem. Very few human beings can survive 1 to 2 hours' submersion in the frigid waters of Lake Michigan whose average temperature during the boating season is 50 degrees.

I support this amendment because it addresses the "serious imbalance that exists between the Coast Guard's responsibilities and the resources available to the service" as cited in House Report 97-355. The Coast Guard operations funded by this amendment will not receive moneys from the General Treasury, but instead from the boat safety account of the aquatics resources fund. This fund, established by the Deficit Reduction Act of 1984, consists of money derived from that portion of Federal tax on gasoline which is attributable to the purchase of motorboat fuel.

This amendment is consistent with the intent of the Deficit Reduction Act which requires a portion of the taxes paid for the purchase of motorboat fuel to support operations of the Coast Guard. It will ensure the boat safety account funds, intended by Congress for Coast Guard operations, will not be diverted to other purposes.

Finally, this amendment apparently does not conflict with the administra-

tion's policies for the Coast Guard in future fiscal years. The administration has requested the inclusion of user fee language identical to this amendment as part of the Department of Transportation appropriations bill for fiscal year 1986. Because the Deficit Reduction Act of 1984 did not become law until last August, no similar language was included in the fiscal year 1985 budget.

The Coast Guard performs a variety of services vital to the safety, security, economy, and environmental health of our Nation. The passage of this amendment will allow the Coast Guard to continue these important services through 1986 while not increasing the overall budget.

Mr. WHITTEN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would like to call to the attention of our colleague who just addressed the House that I agree with him thoroughly, but may I say that we also have other problems. The budget requests of the administration this year did not ask for a dime to be put against reducing the deficit or the debt. The budget asks us to cut domestic programs by \$28.9 billion, at the same time it asks for a \$36.2 billion increase in the carryover balances for the military.

□ 1250

As my colleagues know, we are all for a strong defense, but you cannot measure a strong defense by how much money you provide for military spending or how much you waste.

I mention this because we all better realize that behind a strong defense must be a strong economy, and there must be public support as well as capability and readiness. I think I can prove that I have worked as hard as anyone has trying to balance the budget and bring in appropriations below the President's recommendations. But we must also protect our country to which we have to look to for support. I say to the Members again that if we leave to our children and our children's children a worn-out country with the land eroded, the forests gone and all of that, they will never make it.

On the other hand, if we leave them a rich country, they can set up their own financial system. I have used this illustration many, many times, and it always registers. We had better balance the budget but by taking care of essential domestic programs. It was said some years ago about a certain country that it had the only balanced budget in the world; it did not owe a dollar nor, did it have one either.

So we are trying to take care of the essentials, that on which all else depends. The land from which we all have to get our living for the support of our society. May I say that our com-

mittee has tried to keep these things in balance, but unfortunately there are some people who get money mixed up with wealth. We must take care of our finances if we can, but it is a must that we take care of our real wealth on which our money is based.

So we make no apologies for having reduced the President's recommendation. I would like to have reduced it more. It is a case of priorities. I say take care of the base, then look around to see what else we can do.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. MacKAY].

Mr. MacKAY. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the supplemental appropriations bill. Many of the Members may have seen Congressional Quarterly this past week which pointed out an unusual phenomenon that is going on in the House now: We are in our 6th year, since 1980, we have reduced the deficit every year, and then when we have finished reducing the deficit, we have gone home to find out that the deficit has gone up.

I call attention, particularly, to last year. Many of you will recall, certainly it is vivid in my mind, the \$28 billion downpayment that we were going to make on the deficit last year. That \$28 billion was going to reduce the projected deficit to \$181 billion.

P.S.: When the smoke cleared and it was all over with, the deficit was \$227 billion. That is after our \$28 billion reduction.

Now, what is going to happen this year? We are in our 6th year of this same cycle. That is a very interesting question and one that we should pay particular attention to. Two weeks ago, when we debated the budget bill, which is designed to cut the deficit \$56 billion, that was the same week that the numbers came out showing what the economy is actually doing. The whole deficit reduction effort is based on the assumption that the GNP is growing at 4 percent annually. It turns out it is not; it turns out it is growing at less than 1 percent annually.

What impact would that have? It turns out it may be that our beginning baseline deficit will be \$20 billion higher. So now instead of \$56 billion, maybe we have a \$36 billion reduction in the deficit. Here we are, 2 weeks later, before the Budget Committee conferees have had their first meeting, with a supplemental appropriations bill that in and of itself is going to increase the deficit \$6 billion.

There are a lot of red flags; there is a lot of handwriting on the wall. Mr. Volcker is looking at the same facts and circumstances that we are looking at. We are treating them as irrelevant; Mr. Volcker is treating them as very, very relevant indeed. In fact, interest rates have now been reduced to the

lowest point in 5 years. Mr. Volcker apparently thinks we have a major problem, as he has adopted the most expansionist monetary policy of the decade.

What would that problem be? The problem is that despite an extraordinarily stimulative fiscal policy, our economy is sagging. Congress is literally pumping on the accelerator, but the economy is running out of gas. Mr. Volcker's tight monetary policy, the traditional brake, has been released. But things are still sagging.

There is increasing apprehension that the unprecedented trade deficit may also be functioning as a brake on the economy—a much more effective brake than anyone had anticipated. In fact, the risk is that the trade deficit itself is going to put us into a recession, even in the face of openly stimulative fiscal and monetary policy.

I want to make it clear that I don't disagree with what Mr. Volcker is doing. There is a major risk, however. The risk is that monetary policy, by itself, will not prove adequate to counteract the drag of the trade deficit. The dramatic reduction of interest rates will provide immediate stimulation to the housing industry and those parts of the economy not impacted by international competition.

But it is not all clear that stimulative economic policy, by itself, will reduce the value of the dollar. Even if it does, it appears there may be a delay of as much as a year before the correction takes place. In the meantime, steel, textiles, heavy equipment, agriculture, and now finally computers and other high-tech industries are suffering serious damage.

If the desired reduction in the value of the dollar doesn't come about, or if there is an undue delay, we may find ourselves in serious trouble—much quicker than any of us have anticipated.

I suggest to the Members that it is time for us to quit doing business as usual in this House; it is time for us to get very serious about this, very serious indeed, before we find ourselves faced with a recession.

If you want to know what that scenario would look like, go back to CBO's report released last February and look at their low-growth scenario. Their low-growth scenario says maybe we could have a recession in 1987. Look at what would happen. The dynamics all would work the same in 1986. You would end up not with a deficit of \$200 billion; but with a deficit approaching \$400 billion. Worst of all, this would occur when we would have already used up all of the stimulative fiscal and monetary remedies at our disposal.

Nobody likes to cry wolf, and I am optimistic by nature. It is simply irresponsible, however, to continue playing games with supplemental appro-

priations bills intended to be used only for emergency situations which could not have been anticipated during the normal budget process.

At the very least, let us eliminate funding for the water projects. Clearly, these are in no way an emergency. Let us honor the budget process, and go forward in this bill with the real emergencies to the extent they are there. Otherwise, the budget deficit, and the trade deficit resulting from it, may turn out to be a more serious emergency than those we are now debating.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. MacKAY. I yield to the gentleman.

Mr. KASICH. I appreciate the gentleman's comments on monetary policy, but I would hope rather than express concern about the Fed moving in a direction to provide available credit, that the gentleman would applaud and encourage the Fed to move us toward maximum, noninflationary growth. In fact, the Fed probably has been too restrictive.

Mr. MacKAY. I hope I did not say that I think the Fed is doing wrong; I said I think there is a great deal of risk in it. The Fed is using a tool which is stimulative when you are dealing with a traditional recession. What we do not know is the impact of reducing interest rates on the value of the dollar. If the dollar declines in value, and if the decline occurs quickly, the trade deficit can be expected to decline. If this does not happen, or if there is undue delay, we are in a very risky situation.

The risk could be avoided if Congress would move seriously to reduce spending. That is what I intended to say.

Mr. WHITTEN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, may I say that I agree with the gentleman who just preceded me about the financial situation which we are in. I think we have to increase production. We now are buying shoes, textiles, steel, and cars abroad on credit. Our balance-of-trade deficit runs more than \$100 billion—money for things we are buying overseas when we could be producing them ourselves.

If you bought steel from Japan you as an individual might make money because it is cheaper, but the Nation loses. If it is bought at home, you would have the steel and the money too.

I wish to point out here that while we agree about the dangers to our financial situation which needs to be corrected, we better take care of the land and develop it because that is what you have got to look to. We have domestic programs which are absolutely essential to keep public support. As

I have said many, many times, and I repeat it again to my friends, if we leave to our children and our children's children a fertile land, with our harbors improved, with our rivers harnessed against flood and drought, with all of our resources intact, they will make it fine. They could set up a new financial system if necessary.

On the other hand, if we paid every nickel we owe and if we did it by letting our country go to pot, in future years, this Nation would be like China and India with little on which to build. We are not wasting money because money spent on our own country is not waste; it is merely common sense.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. BROWN].

□ 1300

Mr. BROWN of Colorado. I thank the gentleman for yielding this time to me.

Mr. Chairman, I will be offering several amendments to the bill that I think, meet the concerns of the Members. All of us are interested in reducing the deficit, in looking for areas where we can trim unneeded spending.

I believe there are several areas in this bill that merit your consideration. First of all, with regard to our own budget. One area is the increase in committee salaries, and Members; allowances. These budgets have been increased dramatically. They are well above last year. We are suggesting that the increase be halved. That change saves us \$3.2 million. It is an effort that we can make and still have more money in these categories than we had last year.

The second area where we can save money in this supplemental is the \$500 million that is put in as kind of a bonus to Egypt. Egypt has already received this year \$2.2 billion. The proposal is to add another \$500 million to that over and above what they already received. One of the factors, I think, that bears on this is the fact that they have not even been able to spend what we have given them already.

There is over \$2 billion left unspent from prior aid.

I hope when we consider these areas, we will ask ourselves, in a year in which we have talked about not even giving Federal employees a pay increase, why it is we should be throwing \$500 million more to Egypt.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to take a few minutes because I think we have touched on an issue absolutely critical to the strength and the growth of this economy. There have been a number of us on this side being joined by increasing numbers on the Democrat

side of the aisle who have been concerned not just about fiscal policy, although everybody here is vitally concerned about fiscal policy, and we have all called for actions to reduce the deficit. Fortunately, we were able to get a budget resolution that moved in the direction of \$56 billion in cuts. I do not know whether we have some phony numbers in there or not, but at least we have both sides of the aisle talking about cutting deficits by more than \$50 billion.

But I hope at the same time we show our concern about fiscal policy, we also continue to examine and express our concern about monetary policy. Many of us on this side have said that the Federal Reserve over the last year has been overly restrictive and has not followed a policy of maximum noninflationary growth. We have called for reductions in discount rates, reductions in Federal funds rates and a monetary policy that will, in fact, accommodate maximum noninflationary growth that will provide jobs and bring the deficit down.

What we have seen over the last 9 months is a GNP growth of an average rate of less than 2 percent, which we think is very alarming. We have argued that if we could bring rates down, we could see the kind of economic growth we want to see. We would see some moderation of the problems in agriculture and we would see some moderation in the international trade deficit problem because of overly high rates that attract foreign investment. We would see some moderation of the strength of our dollar and the ability to export our products.

Of course, we have seen the Fed move in that direction, and when the Fed recently lowered its discount rate, we saw the stock market jump above 1300 to its highest level in history. I hope we are going to see improvements in the GNP growth rates, but it is important for this Congress not to just talk about fiscal policy but also to examine the importance of monetary policy.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KASICH] has expired.

Mr. CONTE. Mr. Chairman, I yield 2 additional minutes to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding me this additional time.

Mr. Chairman, the bottomline here is, and I think the gentleman from North Dakota agrees with me on this point, if we ignore monetary policy and have the Fed keeping rates at such a high rate, or money conditions so tight that we do not have the kind of growth that we want, we will start eating away at budget cuts by not having GNP growth of at least the 2-percent level.

There are some people down at the Fed who view economic growth as a

negative factor. I view economic growth as a positive factor. We ought to bring rates down, give people work, and it will help us across the board.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I thank the gentleman for yielding.

Mr. Chairman, let me just associate myself with the gentleman's remarks. I think he is dead right.

Monetary policy is a very important part of this country's economic game plan. We are talking about fiscal policies on the floor of this House, but monetary policy is critical and we need a monetary policy that is complementary to fiscal year.

We need a monetary policy that provides for economic growth in this country, and I just want to support the kind of things the gentleman has been talking about with respect to monetary policy.

Mr. KASICH. I appreciate the gentleman's comments and would just like to say I welcome the discussion about the role of monetary policy in this country.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman, would the gentleman agree that before we can have an expansionary monetary policy, it is very important to get fiscal policy under control?

Mr. KASICH. I think that we need to have a monetary policy that encourages the maximum noninflationary growth, and that monetary policy has tremendous impact on our deficits.

It is certainly true that at the same time this Congress ought to be working to control fiscal policy and cutting that deficit, which is what my opening remarks were all about.

Mr. REGULA. Mr. Chairman, if the gentleman would yield further, he makes a point of noninflationary monetary policy, but it seems to me that has to be rooted in a very strong fiscal policy, and that is part of what we are talking about today, and that is holding down the deficit by having a responsible appropriations measure, and then, of course, we can think about expanding monetary policy.

Mr. KASICH. There is no question that we need to cut deficits. That is why I complimented both sides of the aisle for coming up with a package here that addresses the deficit by a reduction of over \$50 billion.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KASICH] has again expired.

Mr. CONTE. Mr. Chairman, I yield 30 additional seconds to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding this additional time to me.

Mr. Chairman, I know this: that in a noninflationary economy, when you have declining commodity prices, declining land values, declining gold and silver prices, and sluggish growth in too many sectors of the economy, and you have the vice chairman of the Fed who is now starting to dissent on a consistent basis, there is no reason for the Fed to tighten monetary policy, but should, rather, accommodate the growth.

No one in this Chamber wants to see a policy that leads to inflation, but what we certainly want to see is a complementary fiscal and monetary policy.

Mr. WHITTEN. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. I thank the gentleman for yielding this time to me.

Mr. Chairman, without belaboring the point, if we have an inappropriate monetary policy, it can seriously exacerbate the fiscal policy problems that Congress faces.

I agree that we do not want a monetary policy to be used by those of us in Congress who have strong feelings about the Fed to excuse us from any responsibility in fiscal policy. But I think the gentleman from Ohio was trying to say, and I agree with him, that we must use monetary policy in an appropriate way to complement our fiscal policy and to engender economic growth in this country.

Part of our fiscal policy problems has been that we are trying to ride uphill on a bicycle and somebody else has the brakes on. I think we can do much better in coordinating our monetary and our fiscal policies.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Chairman, I think what concerns many of us on this side is that we want the Fed to provide maximum noninflationary growth, and when we have an economy where you see farmers not being able to sell their commodities, their land values plummet, gold and silver prices down, and all the measures of inflation, yet the Fed moves to tighten, that does not make any sense. We want the Fed to provide for maximum noninflationary growth, which helps us on deficit reduction.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I support H.R. 2577, the supplemental appropriations bill

for fiscal year 1985, and I want to call specific attention to the funds which would be provided to the Army Corps of Engineers and for a variety of water projects.

It is unfortunate that vital water projects, such as the dredging of Baltimore's main shipping channel, have been delayed because the administration and the Congress can not reach agreement on a cost-sharing formula.

Opponents of this bill have criticized the fact that some of the projects which would benefit are unauthorized. Mr. Chairman, I want to emphasize that Baltimore's channel dredging project has been authorized for 15 years. Although a very small portion of the funds that would be made available to the corps would go to Maryland, it is absolutely vital that this money be provided—because it is essential to the continued ability of the Port of Baltimore to compete and to the future economic health of the State of Maryland.

The State of Maryland demonstrated its fiscal responsibility and its willingness to compromise last week, when Maryland officials revealed a redesigned channel plan which will reduce the cost of Maryland's total dredging project by \$115 million or 33 percent of the original amount. This concession has now put Maryland in a position where it can negotiate with the Federal Government; it has reached a threshold—a point where it is now financially feasible to agree on a formula, and finally get our desperately needed channel project moving.

As a fiscal conservative, I do not believe Federal funds should be expended on projects which have not been authorized by Congress, but a vote on this supplemental bill does not and can not settle that issue.

I have worked long and hard, both with officials of OMB and with Maryland State officials, in an attempt to find some common ground—to reach agreement, and to get on with Baltimore's channel project. I do not intend to quit now. I intend to vote for this legislation.

It is also important to sound a note of warning here today: It is absolutely imperative that a national policy on America's deep-draft commercial ports be formulated and clearly enunciated.

Our Nation's great seaports play an absolutely essential role in our Nation's international trade, and port development—including the dredging of deeper channels—is necessary if we are to improve America's balance of trade.

In addition to economic considerations, deep channels and commercially viable ports are also essential to our national security.

I intend to continue my attempts to make the administration recognize the strategic and economic importance of our seaports, and I hope my colleagues here today will also recognize the im-

portance of many of the projects in this legislation. I urge them to support it, as I do.

□ 1310

Mr. CONTE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I take this opportunity to commend the gentlewoman from Maryland [Mrs. BENTLEY]. She has doggedly fought for the Baltimore Harbor project since she came to the Congress. I know she has been most persistent in pursuing this project with me and with the other members of the committee. I just want to take this opportunity to commend her for her fine statement and for her work on behalf of the project for the dredging of Baltimore Harbor.

Mrs. BENTLEY. Mr. Chairman, I thank the gentleman.

Mr. CONTE. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, as one of the new members of the Appropriations Committee, I want to begin my discussion on this bill by stating that I am very much impressed with the diligence and the concern that this committee has demonstrated throughout the whole gamut of hearings on every facet of work on the particular questions that we are dealing with in this bill. They are numerous, they are extensive, and they are complicated. I want to thank the committee chairman, the gentleman from Mississippi [Mr. WHITTEN], who has done an outstanding job, in my view, in being open and fair with every member of the full committee, as well as his subcommittee.

I also want to thank the ranking member, the gentleman from Massachusetts [Mr. CONTE], for his diligence. He tries to attend just about every markup that we have. I also express my thanks to the gentleman from California [Mr. ROYBAL], on whose subcommittee I serve as ranking member.

I want to assure the members on this side of the aisle that if they think that the process that the Appropriations Committee goes through is capricious, frivolous, or without concern over deficits in the spending picture, they are very much mistaken. I, rather than to take the attitude that anytime we come out with an appropriation bill it has a lot of pork barrel or this, that, or the other I assure you there is a very great concern that the priorities are adhered to. There is a critical concern for the deficit, and there is not what I would consider to be a great deal of pork barrel. One man's "pork barrel" is somebody else's "priority."

I know we are debating philosophy and a lot of other facets of this question, but I do want to tell the Members this: that I think they have a

good Appropriations Committee. The committee does a good job, and the members work very hard at it.

Mr. Chairman, I rise in strong support of the bill making supplemental appropriations for fiscal year 1985.

As a new member of the committee, it has been an honor and a privilege for me to work with the distinguished gentleman from Mississippi on the Agriculture Subcommittee.

It has also been a pleasure to serve as the ranking Republican member of the Treasury-Postal Service Subcommittee chaired by my good friend and colleague, Ed ROYBAL. In all, I believe both the Agriculture and Treasury chapters to be reasonable and well balanced, considering the commitments we have made to fund the programs under the jurisdiction of the respective subcommittees.

In title I of the bill, making supplemental appropriations for the Department of Agriculture, I was especially pleased to work with Chairman WHITTEN to ensure that emergency funding was provided to the animal and plant health inspection service for grasshopper control in 17 Western States. In New Mexico, the grasshopper problems have been particularly severe with an economically significant infestation of over 8 million acres.

The committee also recommended an appropriation of \$1.2 million for a grant to the Department of Agriculture for the purpose of assisting in relocating the Fort Stanton Experimental Station to another site making available land needed for a replacement airport to service the village of Ruidoso, NM.

For the past 20 years, Federal, State, and local officials have been seeking a site suitable for the development and operation of a replacement for the current airport. The indisputable need being that over 25 airplane crashes have claimed the lives of 17 people since the National Transportation Safety Board began keeping records in 1964. The Department of Transportation has listed the current airport at Ruidoso as one of the more dangerous airports in our Nation.

Turning now to chapter 11, making supplemental appropriations for the Department of the Treasury and related agencies,

The subcommittee has recommended that all of the administration's section 2901 recissions be accepted—for a total of about \$48 million.

Likewise, all—except for two supplemental pay requests were accepted as proposed. The administration proposed only half the funding required for the Customs Service and IRS pay costs; \$6 million was added to fully fund the Customs Service pay costs; and to prevent further disruption in tax processing, the IRS was fully funded with a \$33 million add-on.

The big ticket item in this chapter, not requested by the administration, is a \$168 million supplemental for the revenue foregone subsidy. This amount is needed to make up for the recent rate increase and unanticipated volume increase.

This chapter also provides funds to ATF, Customs, and the IRS for the establishment of a drug enforcement task force in Miami, as requested by the President.

Finally, I am grateful for the unanimous support received for an amendment I offered during consideration of the bill at full committee to provide the necessary support for the National Critical Materials Council. The establishment of this Council was mandated on July 31, 1984, when President Reagan signed into law Public Law 98-373, the National Critical Materials Act of 1984. As noted in the law, strategic and critical industrial minerals and materials are essential for our national security, economic well-being and industrial production. The principal aim of the Council will be to provide high-level and permanent input to the President on our Nation's strategic and critical mineral and material policies.

Overall, Mr. Chairman, I believe chapter 11 is very reasonable given the circumstances. I urge the adoption of the chapter and the bill.

Mr. WHITTEN. Mr. Chairman, I have no further requests at this time.

Mr. CONTE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I thank the gentleman from Massachusetts.

Mr. Chairman, I rise in opposition to the bill and to align myself with the remarks of the gentleman from Florida, [Mr. BUDDY MACKEY] who recently spoke against the bill.

Mr. Chairman, let me say that I was raised up on the edge of the Depression, and when we had a good year on the farm, my father and mother bought me and the children new overalls and new shoes, and when we had a bad year on the farm, she patched up the knees and we wore those old shoes. I want to tell the Members that we have had a bad year in this country this year, and we need to patch up our clothes knees and wear our old shoes.

We have tried to communicate to the public in a responsible fashion the dangers we see facing this country, and if something is not done soon about our deficit spending habits, we are going to be in much more serious trouble than we are today. We told the people that we are going to tighten up our belts, we have asked them across the board to tighten their belts and accept freezes, cuts, and adjustments and generally they have agreed to do that.

Mr. Chairman, this supplemental bill we are considering today is going

to shake their confidence in this Congress if it passes and I would request that we vote it down in its entirety.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTEN] has 3 minutes remaining, and the gentleman from Massachusetts [Mr. CONTE] has 1 minute remaining.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may require to the gentleman from Pennsylvania [Mr. MURPHY].

● Mr. MURPHY. Mr. Chairman, I rise in opposition to any attempt to delete funding for long-overdue water projects contained in H.R. 2577. The fiscal year 1985 supplemental appropriations bill provides necessary moneys to be used for water resource development. Some of my distinguished colleagues may object to this provision of the bill as too costly. Similarly, the Reagan administration believes that H.R. 2577 is unacceptable in its present form, largely because of water projects.

Certainly all of us are concerned about the rising cost of the Federal deficit. However, I urge my distinguished colleagues on both sides of the aisle to keep certain facts in perspective.

First of all, I find it difficult to grasp why the present administration wishes to completely cut important national priorities such as the water projects contained in H.R. 2577, while at the same time, recommends greater and greater increases in foreign aid. Mr. Chairman, I cannot justify a policy of billions for foreigners but not 1 cent for American interests. Furthermore, it seems that the cry of deficit is conveniently used whenever this administration does not want a particular domestic program funded.

As far as these water resource projects are concerned, the benefits derived from them will more than exceed their costs, especially in the long run. These projects will provide us with a better national infrastructure. This improvement can only serve to make transportation easier, and therefore, cheaper. Hence, American goods will be priced more cheaply and be able to compete more effectively—especially in the international marketplace.

Furthermore, these projects will result in better flood control mechanisms and improvements in community water supplies. Similarly, channel and harbor facilities will be enhanced and recreational opportunities will be provided. These are concrete benefits that Americans will be able to enjoy.

Mr. Chairman, I would also remind my colleagues that it has been 6 years since the Congress has funded projects for the Army Corps of Engineers. This has been a lengthy freeze to say the least. We, as a Nation, cannot afford to freeze this vital funding; H.R. 2577,

though far from perfect, is a reasonable means to provide it.

If I may, I would for a brief moment like to speak as a citizen of southwestern Pennsylvania. As my friends in this Chamber know, many times I have emphasized the fact that there is no Reagan recovery in this depressed region. Double digit unemployment persists, factories are closing, and closely knit communities are dying. By improving our waterborne transportation network, we will be providing a direct impetus to employment in the area. The short- and long-term economic benefits are clear.

In closing, I would ask that my colleagues not be misled by the deficit smokescreen being fueled by chapter IV's opponents. If anything, these water projects are long overdue. If America is to regain her competitive advantage, the better transportation infrastructure which will result from these water projects will help to achieve this worthwhile goal. ●

● Mr. DORGAN of North Dakota. Mr. Chairman, I am introducing today an amendment to provide an additional \$4.27 million to the Temporary Emergency Food Assistance Program [TEFAP] a small but important program used by food banks, soup kitchens, and other community groups to feed the hungry. Twenty-nine States have either run out of money, or will soon run out of money, for this program. The short-falls are estimated to total \$4.27 million for the fourth quarter of this fiscal year, the amount of this appropriation.

The TEFAP Program sends surplus Government commodities, commodities currently stored in warehouses and caves around the country, to States who in turn send them to local community groups for distribution to the hungry—those 20 million Americans who are without food for at least 2 days per month, according to the Physician's Task Force on Hunger in America. The group is headed by Dr. Larry Brown of the Harvard School of Public Health.

Since the program's inception in 1983, TEFAP has distributed 163 million pounds of flour; 169 million pounds of nonfat dry milk and 1.2 billion pounds of processed cheese, as well as other commodities, to the States. These commodities are an important supplement for local feeding programs, which are often run on shoestring budgets with volunteer staff.

It is clear to me that it is well worth continuing this program, both from a humanitarian standpoint and from a fiscal standpoint. Many of TEFAP's recipients are families. Studies of another supplemental feeding program, the WIC Program, clearly show that \$1 spent on Child Nutrition Programs saves at least \$3 in longer-term health costs. In addition, there is a savings of Commodity Credit Corporation stor-

age costs that would otherwise be incurred.

The Food Research and Action Center, in calls last week to State commodity directors, compiled the statistics which show the \$4.27 million short-fall in this program for the fourth quarter. It is my intention that this appropriation be targeted to those States who have already run out of money for TEFAP, or who will soon run out of money for this program. About half the States have not been able to request any commodities for July, even at a reduced level, according to a May USDA report.

It is unfortunate that this problem didn't come to light sooner. One of the difficulties is that TEFAP is a reimbursement program, with vouchers flowing back to USDA through two levels, from the local community group to the State, and then from the State to USDA. This process means a delay in determining exactly how much of a funding shortfall exists.

That is why we are acting today. The timeframe for ordering these commodities and distributing them for the fourth quarter of this year is going to be tight. In their calls to State commodity directors, the Food Research and Action Center did ask whether States would be able to handle distribution on shortened notice of availability, and the consensus was that if the commodities and additional funds were available, they would be able to do so. USDA administrators of this program, however, will have to offer as much cooperation and flexibility as possible in meeting this goal.

A number of groups support this amendment, including: Food Research and Action Center, Bread for the World, the National Farmers Union, Interfaith Action for Economic Justice, Children's Defense Fund, League of United Latin American Citizens, National Council of Senior Citizens, Rural Coalition, National Milk Producers Federation, United States Conference of Mayors, Food Research and Action Center, Lutheran Council/USA, Friends Committee on National Legislation, Church Woman United, National Council of Churches of Christ in the USA, Church of the Brethren-Washington Office, and United Church of Christ/Office for Church in Society.

These groups understand that while the amount we are debating is small, as the Federal budget goes, the good that is done by this program is large. I urge your support for this amendment. ●

● Mr. GUNDERSON. Mr. Chairman, I would like to take this opportunity to make a few comments about that portion of H.R. 2577 which provides funding for the second lock at lock and dam 26 in Alton, IL, and for environmental and recreational projects on the Upper Mississippi River.

Now, I recognize that all of this funding may be stricken on a point of order since none of these activities have been authorized to date. Even so, I would simply like to take a few moments to commend the committee for their balanced approach to the use of the Upper Mississippi River System.

Mr. Chairman, I favor the second lock at lock and dam 26 but only if it is combined with the environmental and recreational programs that were included when the recommendation was brought before Congress in 1982 as part of the master plan for the Upper Mississippi River.

This master plan was authorized in 1978 by Public Law 95-502 to provide Congress with answers to questions on navigation capacity and environmental impacts of navigation operation and maintenance. The Upper Mississippi River Basin Commission was instructed to prepare the plan.

The master plan contains a set of 12 recommendations for maintaining and enhancing the Upper Mississippi River System as a multipurpose system having two congressional mandates: one as a nationally significant ecosystem and the other as a nationally significant commercial navigation system. The recommendations cover a broad range of problems and issues from navigational improvement to habitat rehabilitation.

Separately, the second lock at Alton could be called a pet, pork barrel project. Sure, there are those that argue the lock is needed to reduce the already existing bottleneck of barges that are in the area. But we are already building a brand new, 1,200 foot lock system there that will be ready to function shortly.

The point is that the second lock at Alton was recommended as part of a master plan, developed by an independent commission with the consultation of various Federal and State agencies. I was pleased to learn that the committee looks favorably on the master plan by including language to provide, dollar for dollar, money to cover the other environmental and recreational recommendations over and above the second lock.

If the second lock at Alton, IL, is going to become a part of this supplemental appropriation bill, then the environmental and recreational projects, must be included to keep the intent of the master plan as developed by the Upper Mississippi River Basin Commission.

Again, I want to thank the members of the committee for recognizing the multipurpose use of this resource by providing for all of its uses: Navigation, recreation, and the environment. I look forward to working with you toward this end. ●

● Mr. LaFALCE. Mr. Chairman, I rise in support of H.R. 2577 and the

amendment offered by Congressman WHITTEN. I will address my comments, however, to one provision which I believe is of particular importance to my constituents—the Ellicott Creek Flood Control Project.

Fifteen years ago the Ellicott Creek Flood Control Project was made part of an omnibus water bill and was signed into law by President Nixon. This action was taken in response to a devastating flood in the area. Unfortunately, since that time similar tragedies have struck twice. Seven years ago, in the aftermath of the now infamous "Blizzard of '77," severe flooding from the Ellicott Creek caused extensive property loss and damage. This past winter, melting snows from a major blizzard and incessant rains resulted in yet another flood, causing an estimated \$12 million in damage.

This most recent debacle has been declared a major disaster by the President. The Army Corps of Engineers estimates that damage from the Ellicott Creek flooding during a 5-day period in February is between \$4 and \$5 million. Officials said that the proposed flood control project would have helped significantly to reduce the damage.

In my opinion, this latest flooding was largely preventable. Efforts to secure funding for the flood control project have been underway for the past 15 years. This project has bounced between the Congress and administrations like a political basketball. I won't detail the long history of this proposal, except to say that the time to act is now. Statistically, we can expect that a flood of this magnitude will occur in the next 10 to 15 years. The Corps of Engineers Chief in Buffalo said that the Corps could have construction work on Ellicott Creek underway within 90 days of the date they receive funding. The \$22.9 million flood control project calls for work over 4 construction seasons. If funding is approved, work would begin in the spring of 1986 and be completed in 1989, perhaps just in time for the next flood.

The President's 1986 budget request dated February 4, 1985, states "that the Ellicott Creek project is urgently needed to reduce flood damages in the lower Ellicott Creek Basin. The downstream portion of Ellicott Creek has been subjected to flooding for a number of years." As if to drive home the point, within 3 weeks of this report, nature unleashed a flood from Ellicott Creek which was unparalleled in the past 25 years. The need is no longer urgent. It is imperative that this project be constructed—Now!

Residents of the towns hit hardest during these floods, Tonawanda and Amherst, NY, know that it is only a matter of time before disaster strikes again. Without this flood control project, there is no hope of preventing

the inevitable destruction of home and business properties caused by raging flood waters.

True, we can't control the will of nature. But we can control some of its destructive effects. What are sometimes more difficult and frustrating to control are the budgetary constraints which limit Federal spending for such worthy projects. I, perhaps more than many, understand the need to cut spending to reduce the Federal budget deficit. But in this situation, the adage, "an ounce of prevention is worth a pound of cure," has true meaning.

Investing dollars now in a project which will mitigate the inevitable flood damage, costing the Federal, State, and local governments millions of dollars to repair is not only smart, but is also economically prudent.

For these reasons, I strongly support the Whitten amendment, and urge each and every one of my colleagues to do likewise. ●

● Mr. BEVILL. Mr. Chairman, the bill before the committee today would appropriate \$186,300,000 in new budget authority to the Corps of Engineers, \$20,850,000 to the Bureau of Reclamation and \$5 million to the Tennessee Valley Authority.

The bill includes funds for 62 new construction starts for the Corps of Engineers and 4 new starts for the Bureau of Reclamation. Included in the 62 corps projects are 32 projects which have been previously authorized and 30 projects which are included in H.R. 6 which has been ordered reported by the Public Works and Transportation Committee.

Our subcommittee has been working closely with the Interior and Insular Affairs Committee with regard to the Bureau of Reclamation projects and to my knowledge we are in complete agreement with respect to those projects.

As Members will recall, this House passed H.R. 3958, the water resources development appropriation bill, 1984, on October 6, 1983, which contained a total of 43 new projects for the corps and the Bureau of Reclamation. Unfortunately, that bill was never passed by the Senate.

Last year, under the leadership of Chairman ROE of the Water Resources Subcommittee of the Public Works and Transportation Committee, the House overwhelmingly passed H.R. 3678. However, the Senate never acted on the bill. This year, the Public Works and Transportation Committee has introduced H.R. 6, the new water project authorization bill, and I understand that bill is scheduled to be reported in mid-June. However, it is uncertain at this time when the bill will be considered on the floor. In addition, the bill may well be referred to other authorizing committees for their consideration.

Most of the projects funded in the bill before us today have already been approved by the House on two prior occasions.

As you know, our subcommittee has tried to wait for the legislative committee to complete authorizing action for several years, and as evidenced by House passage of the authorizing bill last year, Mr. ROE is making every effort to move the legislation. It appears, however, that if there are to be new construction projects funded, the House is going to have to move ahead with the bill before us today.

As Members will recall, the last bill authorizing new water projects for the Corps of Engineers was enacted in 1976. With a few minor exceptions, no new construction starts have been funded since 1980 due to differences between the executive and legislative branches regarding user fees, cost sharing and financing of water projects. In the report accompanying the regular fiscal year 1984 appropriation bill for energy and water development, the committee stated:

The committee is aware of the urgent need for some new construction projects and for the repair and rehabilitation of some existing projects. Testimony has been presented indicating the urgent needs in this area * * * The committee fully intends to recommend funding for new construction for both the Corps of Engineers and the Bureau of Reclamation for fiscal year 1984.

The projects contained in chapter IV are in response to the commitment made by the committee.

I do not believe there are many authorizing and appropriations subcommittees which work closer together than do Chairman's ROE's subcommittee and my Subcommittee on Energy and Water Development.

The introduction of H.R. 6 through the Public Works and Transportation Committee and the probability that the bill will be presented to the full House of Representatives is most encouraging.

The projects funded in the bill include a number of projects proposed by the administration in fiscal years 1983, 1984, 1985, 1986, and other authorized projects which are worthy of construction, and urgently needed projects which are awaiting authorization. The committee is confident that every effort will be made by the 99th Congress to enact legislation authorizing new projects and, where appropriate, make adjustments in cost sharing. Use of funds provided by this bill for construction of projects not yet authorized is, therefore, linked to such authorization. Moreover, adjustments in cost sharing enacted during this Congress would apply to the projects funded herein to include those presently authorized.

With regard to cost sharing, the committee recognizes the responsibility of the authorization committees to

establish cost-sharing policies, but is concerned that the application of rigid cost-sharing requirements would create a situation of have versus have-nots. Many States and localities do not have the capability to share costs to the same extent, if at all, that others may have. This is particularly undesirable in the case of flood control projects where human lives and the economic viability of communities are involved. Because of this, the committee encourages a flexible approach to cost sharing. I believe it is important to note that since the exact formula for cost sharing is still under consideration, it is not possible to predict the Federal share of the costs of the projects in the bill at this time.

The committee received many requests from Members to fund projects already authorized as well as those in the pending authorization bill. Unfortunately, the number of major water resource development projects that can be funded in any particular fiscal year is necessarily limited. Even with incremental funding of only that portion of work that can be accomplished within a fiscal year, the large number of necessary projects and the high cost of many of them limit the total number that can be considered for funding at any one time.

The projects recommended for funded in this bill represent the highest priority projects in each major category of water resource development. The committee will consider funding additional projects in subsequent appropriation bills.

The recommended funding for the Tennessee Valley Authority provides \$5 million for an essential water demonstration project affecting the health of Bristol, TN, residents.

The bill contains language that exempts the construction of an authorized Oregon-California powerline from the Clayton Act and the Federal Power Act.

The report accompanying the bill provides a good explanation of the recommendations in the bill as well as a brief description of the projects funded in the bill.

This is a good bill and report and I recommend its adoption by the committee.

● Mrs. LONG. Mr. Chairman, I rise in strong support of H.R. 2577 containing a \$6 million appropriation for a family violence program enacted last year under the Child Abuse Amendments of 1984.

It is estimated that between 2 and 6 million women are battered by their husbands annually. Only half of these women seek professional help. Unfortunately, less than half of the women and children that do seek refuge actually receive aid. Lack of funding for the overcrowded shelters shatters their hopes for the professional care they desperately require and deserve.

These women are victimized not only by their husbands' brutality toward them, but also by their inaccessibility to professional services that focus on restoring homelife.

In my own district, the Family Counseling Agency has been established in Alexandria, LA to provide immediate care to battered wives. This agency provides the following vital services to wives and their families:

Long-term and overnight shelter to abused women and their children; crisis counseling on a group or individual basis; referrals for legal aid, job service, welfare, and so forth.

Twenty-four-hour crisis hotline supplying emotional support or urgent placement arrangements for abused women and their children.

Since its establishment in 1984, this agency has served close to 400 men, women, and children. The number of victims served this year alone has already surpassed the total number of individuals seeking help last year.

Services such as the Family Counseling Agency in my district have the potential to provide immediate care. This potential cannot be realized without money for expanding shelters, increasing professional staffs, supporting client needs, and informing the public about its extensive programs.

Those outstanding services are crucial to the treatment of women who have been hurt and humiliated by those closest to them. The money can be utilized to provide family violence programs with more professional staff members, larger shelters, and a greater information network to spread the word to women that professional, emotional, and financial support are available. With the assurance that family violence programs are fully funded, more women will feel secure in seeking help.

A recent article in Time magazine entitled "Wife Beating: The Silent Crime" (Sept. 5, 1983) brought the problem to national attention. This article mentioned the following startling facts:

Nearly 6 million wives will be abused by their husbands in any one year.

Some 2,000 to 4,000 women are beaten to death annually.

The Nation's police spend one-third of their time responding to domestic violence calls.

Battery is the single major cause of injury to women, more significant than auto accidents, rapes or muggings.

I recommend this enlightening article to my colleagues' attention. The grim case histories it describes are guaranteed to move you in support of family violence program funding.

WIFE BEATING: THE SILENT CRIME

There is nothing new about wife beating. It has always happened, everywhere. Often it is accepted as a natural if regrettable part of woman's status as her husband's proper-

ty. Throughout history unlucky women have been subjected to the whims and brutality of their husbands. The colloquial phrase "rule of thumb" is supposedly derived from the ancient right of a husband to discipline his wife with a rod "no thicker than his thumb." In the U.S. the statistics reflect no unprecedented epidemic of domestic violence, but only a quite recent effort to collect figures—often inexact, but startling even when allowances are made for error—on what has always existed:

Nearly 6 million wives will be abused * by their husbands in any one year.

Some 2,000 to 4,000 women are beaten to death annually.

The nation's police spend one-third of their time responding to domestic-violence calls.

Battery is the single major cause of injury to women, more significant than auto accidents, rapes or muggings.

What is new is that in the U.S. wife beating is no longer widely accepted as an inevitable and private matter. The change in attitude, while far from complete, has come about in the past ten to 15 years as part of the profound transformation of ideas about the roles and rights of women in society. In cities and states scattered across the country, legal structures and social service networks, prompted by grass-roots women's organizations, have begun to redefine spouse abuse as a violation of the victim's civil rights and a criminal act of assault subject to the same punishments as other acts of violence.

Marital abuse has been called "the silent crime." Bringing it out into the open by talking about it is the first step toward a solution. But for most people, including even the victim and the abuser, the almost reflex-like response to the subject is to deny that such abuse exists. In fact, however, a 1979 FBI report stated that 40% of women killed were murdered by their partners, and 10% of men by theirs. (Many of the women acted in self-defense.)

When it comes to squabbling around the house, women give as good as they get. But a domestic spat is not battering, which involves a pattern of escalating abuse in a situation from which the victim feels she cannot escape. Because they are usually physically stronger than their wives, men are less likely to be battered; for reasons of pride, they are also far less likely to report it. Sociologist Murray Straus, an expert on family violence, nonetheless estimates that each year 282,000 men are beaten by their wives.

Personal testimony indicates that any female, regardless of class or race, can become a battered wife. In Stamford, Conn., a woman married to a Fortune 500 executive locked herself into their Lincoln Continental every Saturday night to escape her husband's kicks and punches. She did not leave him because she mistakenly feared he could sue for divorce on ground of desertion and she, otherwise penniless, would get no alimony.

Barbara, 30, a middle-class housewife from South Hadley, Mass., was first beaten by her husband when she was pregnant. Last summer Barbara's husband hurled a dinner plate across the kitchen at her. His aim was off. The plate shattered against the wall and a piece of it struck their four-year-old daughter in the face, blinding the child in one eye.

In Miami, Diane, 27, a receptionist, said she married "a real nice guy," a Dr. Jekyll who turned into Mr. Hyde a week after the

wedding. "Being married to this man was like being a prisoner of war. I was not allowed to visit my family. I couldn't go out on my own. He wouldn't even let me cry. If I did, it started an 'episode.'"

In a Duluth shelter for battered women, Lola, who married 19 years ago at age 18, said her husband was losing control more frequently: "He gets angry because he's coming home with a bag full of groceries and I didn't open the door fast enough. Because he didn't like the way I washed the clothes. Because the supper's not ready. Because supper's ready too soon."

In Atlanta, Rita, 30, told TIME's Roger Witherspoon that her husband William, 40, a hospital worker, asked her to come into the bedroom during a birthday party she was giving for neighborhood children. "He slapped me blind. He pulled the shotgun from the wall and dared me to move. I cried and asked him why he was bothering me. He just tore my clothes off. He said I was a bitch and used other ugly words. I asked him not to do that because the children and their parents were here. But he just left the room and told everyone to leave. Then he told me to get back in bed and that we were going to make love. I said no. But he had the .38 and a knife and hit me. I got in and we did it. My nose was still bleeding."

An extraordinary number of abuse cases involve guns or knives. In Los Angeles, Harry Whalen, 48, a curtain installer, is serving a 15-year-to-life sentence for killing his fourth wife, Betty, 35. She was hiding in a Long Beach, Calif., women's shelter, seeking a divorce. Whalen caught her in her lawyer's office parking lot and begged to hold the couple's small child. He then ordered Betty into his van and drove off. Three months later her body was found in a shallow grave in the desert; she had been shot in the face. One of Whalen's former wives reported later that he had threatened to kill her too.

Many men, and even many women, believe that abused wives have a masochistic streak that keeps them in the home long after the beatings have begun. But Michigan Psychologist Camella Serum dismisses such assumptions as folklore. "Masochism has no relevance in this situation. It is just another way to blame the victim. The reason she stays has nothing to do with loving the pain or seeking the violence."

Battering follows a cycle: first a buildup of tension, then a violent explosion, and finally a period of remorse and apologies that rekindle hope that the batterer will change and remain loving. Karla Digirolomo, 26, executive director of the New York State Governor's Commission on Domestic Violence, describes her experience in her first marriage as typical. When she was pregnant her husband broke her nose. She told everyone she had fallen down. The obstetrician never questioned the bruises on her body. "I felt worthless, totally to blame, responsible for my husband's actions. I kept thinking, 'If I had done something different, things would improve.' You gradually change. You think, 'If I can stop doing x, y or z, then nothing will happen.' You assume all responsibility."

If the woman does not leave or seek help after the first episode it can be taken as a sign of acquiescence, which usually leads to more violence. But it is extremely difficult to pack up and go, even if a woman can afford to. Explains Jane Tolliver, a counselor in the Atlanta Y.W.C.A.'s battered-women's program: "They've been told by their ministers and their families that a good woman can change a man." These

women represent society's traditional values. Says Tolliver: "They are nurturing. They want successful marriages. And it is precisely those things that trap them."

Often a battered woman has grown up with violence and accepts it as a pitiful form of caring, or at least as something inevitable in a relationship. She may feel desperately that the world is a dangerous place and that she needs a protector, even a man who beats her. Ashamed, terrified that any resistance will provoke greater violence, isolated from her family and friends, often without any means of support other than the husband, many a battered woman sinks into despairing submission, from which the only escape is eventual widowhood, her own murder (or, perhaps in a flash of retaliatory rage, her husband's), or suicide. According to a four-year study of a major metropolitan hospital completed this year, 25% of all women's suicide attempts are preceded by a prior history of battering.

Domestic violence is lethal, and not only to women. A 1978 article in *Police Magazine* reports that 40% of all police injuries, and 20% of all police deaths on duty, are the result of becoming caught in a family dispute. Risks aside, answering domestic-disturbance calls is the bane of policemen everywhere. "We end it for an hour or two and do a lot of paper work," says Officer Lawrence Santos of Harlem's 25th Precinct. To a frightened woman, though, even a reluctant policeman offers more hope than an insensitive one. Sergeant Louis Mancuso of Manhattan's Ninth Precinct, for example, does not think arrests are always the best solution. He believes there are often extenuating circumstances, observing after hearing about one brutal assault, "Maybe she wasn't giving him what he needed sexually." Detroit Executive Deputy Police Chief James Bannon explains such lingering attitudes. "Police officers are as violent in domestic relations as others. Probably more so."

Doctors, social workers and psychiatrists have frequently been even less helpful than the police. Evan Stark, research associate at Yale's Institution for Social and Policy Studies, and his wife, Dr. Anne Flitcraft, in a study of family violence, concluded that the medical profession and social agencies "are an essential part of the battered syndrome." Says Stark: "They treat the women like they are crazy." Doctors fail to note signs of abuse, label battered women psychotic or hypochondriacal, prescribe tranquilizers and tell them to go home, and "make a woman doubt her own sanity" by sending her to a family therapist.

The first shelter for battered women opened in a private home in Pasadena, Calif., in 1964. There are now approximately 800 in the country. All of them have waiting lists, and the demand is staggering. The Y.W.C.A. alone has 210 shelter or service programs such as hot lines, safe-home networks and counseling programs in 30 states. From 1978 through 1980, the Y.W.C.A. sheltered 46,100 women and children and gave counseling to 50,000 women. But they estimate they cannot accommodate 80% of those who need assistance. In a new and ironic effort to provide more services, at least 14 states earmark funds for domestic-violence programs by imposing a surcharge on marriage licenses.

Mother is a good person. Mother is a happy person. Mother is a nice person. Mother is very, very pretty. Those kind words were painted on a poster by a child whose mother had found refuge at Crescent House, the first battered-women's shelter in

New Orleans. Crescent House serves more than 500 clients a year, housing 25 women and children at a time. Like all such shelters, it is initially a place for battered women to hide. It also offers help in deciphering the demoralizing puzzle of welfare offices and court procedures, and in aiding victims to imagine an alternative future. Almost as important, a shelter is a place where a woman will be believed and listened to. In 13% of wife-abuse cases, children have also been assaulted, and shelters provide a refuge for them, too. In keeping with their efforts to break the cycle of violence, almost all shelters have firm rules against spanking.

What kind of man would hit a woman? Not only hit her, but blacken her eyes, break the bones in her face, beat her breasts, kick her abdomen and menace her with a gun? There is a very good chance that he was beaten as a child. Perhaps because of his early trauma, he is often emotionally stunted. Michael Groetsch, director of probation for the New Orleans Municipal Court, sees scores of accused wife abusers every week. "There is very interesting analogy between a male batterer and a two- or three-year-old child," Groetsch says. "His tantrums are very similar to those of a two-year-old. Like a narcissistic child, the batterer bites when he's throwing a tantrum. I have seen many women come in with teeth marks all over their arms and legs."

The wife beater probably drinks, although, as Groetsch points out, "he drinks to beat, he doesn't beat because he drinks." Unemployment does not cause battering, but hard times make it worse. In Youngstown, Ohio, for example, where the unemployment rate in 1982 reached 21%, domestic violence increased a staggering 404% over 1979.

Craig Norberg, a founder of the men's self-help group RAVEN (Rape and Violence End Now) in St. Louis, says the typical spouse beater is unable to cope with the traditional notion of masculinity. "Not maleness, but the traditional male role, which requires men to be stoic. It requires men to not need intimacy, to be in control, to be the 'big wheel,' and when there is a problem to 'give'em hell.' The difficulty is that nine out of ten men fall at that list, at least in their own judgment."

Indeed, the batterer is often afflicted with mind-bending insecurity. The man's wife, says Psychologist Walker, is "the emotional glue that holds him together." As a consequence, he is desperately afraid of losing her. "All the time I knew she was going to leave me," says William, the Atlanta birthday-party batterer. "She liked to play the song Slip Away, and I knew she was going to do it." Explains Dick Bathrick, a clinical psychologist who with a colleague runs the only program for wife abusers in Georgia: "The husband is trying to make her be closer to him by controlling her physically—and he doesn't realize that he's driving her away."

The last time William saw his wife he beat her until he tired. "When it was over," he says, "I picked her up off the floor and kissed her and told her I was sorry. I wanted to feel the pain that she felt. So I kissed her. Her nose was running and she was crying, and I loved her very much."

Such displays of tenderness are not unusual. "He may send her roses if she has left," says Michigan Psychologist Serum, "but it's not out of love. It's out of a desire to regain control." Indeed, batterers can be very calculating, both in how they deal with

their wives and with the authorities once they are caught. They are frequently charming to a fault. Says Therapist Jeffery Perez, who runs a program for batterers in New Orleans: "These guys are real slick and real glib. They can play therapy off against the court system and not have to be responsible."

The first self-help group for abusive men was formed in Boston in 1977. There are now about 50. Very few men go to such centers on their own. Either their partner has left or is threatening to, or they are attending under court order. By and large, they do not believe they have done anything wrong, sometimes insisting that they are not batterers at all. Those who own up to being violent frequently believe their wives are at fault. Nick, 33, an unemployed New Yorker who chose a six-week counseling program over 90 days in jail, is franker than most. "Most of the time I thought I was right. It [the violence] was called for." If they stay in a treatment program, and very few do without a court order, some men reach a kind of self-awareness that results in a more pacific nature. In a spouse-abuse workshop in Rockland County, N.Y., a man named George, 50, reported at the end of six weeks, "If a husband takes control of himself, a wife cannot make him hit her." As awareness goes, this particular insight might make Freud gape, but George's wife Susan reports no violence for the past 18 months.

Historically, batterers have fallen between the cracks, being neither nuts nor criminals, at least by the standards of the day. "A man beats up his wife because he can," says University of Rhode Island Sociologist Richard Gelles, one of the pioneers in the study of family violence. Indeed, a man usually does not beat up his boss or male acquaintances. The consequences—loss of job, a charge of criminal assault, an old-fashioned black eye—are simply too great. Now the consequences are rising for violence against one's wife. Shelters for abused women have created a safety net for wives who previously would have been afraid to take their husbands to court. Newspapers, judges, hospitals, neighbors, even a growing number of once exasperated police officers, are beginning to understand the dimensions of the problem. More important, states and municipalities are putting laws on the books that give women a realistic chance of getting protection and redress through the courts. As Franci Livingston, an attorney with the Center for Women Policy Studies in Washington, points out, "Ten years ago there were no real, specific laws providing remedies for women. If a woman wanted protection using the courts, she would have to get it as part of a domestic-relations proceeding—meaning separation or divorce."

At that time, police could not make an arrest without actually witnessing violence or seeing compelling physical evidence of abuse. Nowadays such requirements are being eased. In Michigan, for example, a law allowing police to arrest batterers for misdemeanor assaults on grounds of "probable cause" was passed in 1978 and became a model for other states. In Massachusetts, women can walk into any court and receive an immediate emergency restraining order against an abusive husband.

The Los Angeles city attorney's family-violence program, which began four years ago, was one of the first to recognize that domestic violence is a crime, not a private matter, and should be prosecuted as such. The decision to prosecute is taken out of the victim's hands. Explains Deputy City Attor-

ney Susan Kaplan: "Out of 5,000 domestic-violence cases that cross our desk each year, half of the victims want to drop the charges. Now the woman is told misdemeanor charges will be pressed anyway. Will she testify? It never even comes to that. Once the husband realizes, 'Hey, this is a crime, this is prosecutable,' he pleads guilty right there."

According to the National Center on Women and Family Law, one-third of the women who come to shelters have also been sexually assaulted by their mates. Only four years ago, such violations were so accepted that California State Senator Bob Wilson protested a California law allowing prosecution for marital rape by saying, "If you can't rape your wife, who can you rape?" Today, 17 states have abolished laws that excluded husbands from rape prosecution.

The tightening of laws against wife beating has resulted in higher conviction rates. In Duluth, for example, 82% of those arrested for spouse abuse are convicted, up from 20% in 1979. Still, only a fraction of abusive husbands are reported to the authorities, much less arrested and convicted.

For the glib, angry men who pummel their wives, a brush with the law sometimes has a sobering effect. A recent Police Foundation working paper concluded: "It is clear that the recidivism measure is lowest when police make arrests." New York's Karla Digiolomo agrees: "In general, arrests work because they give the message to the man that such behavior is inappropriate. They also give the message to the woman that somebody will help her."

The crackdown represents an important shift in how the nation views wife abuse. No longer does a woman have to go it alone in a legal system that is stacked against her; no longer does she have to deny the suggestion, either stated or implied, that she got what she deserved. Now the courts and the community are swinging to her side—and the bullying husband is beginning to pay the price.●

● **Mr. LUNDINE.** Mr. Chairman, I want to bring to the attention of my colleagues an important provision of the supplemental appropriations bill before the House today. H.R. 2577 contains almost \$237 million in U.S. arrearage payments to the multilateral development banks. These arrearages, the result of chronic funding shortfalls in previous continuing resolutions, are necessary to bring the United States up to date with regard to its obligations to these institutions.

U.S. payments to these banks are predicated on already negotiated agreements among the member contributing countries. The list of contributing members reads like a who's who list of our allies and trading partners. The Treasury Department negotiates the U.S. contribution after consultations with the Congress and the relevant U.S. Government agencies concerned with our participation in the MDB's. When agreement on a replenishment of resources is reached the administration submits the proposed U.S. share to Congress for approval. Congress then has an opportunity to approve or disapprove the agreement submitted by the President. Once such legislation is authorized by the Con-

gress and signed by the President the United States has committed to payment of its share of the replenishment.

Previous failure to approve authorized contributions to these institutions has consistently raised serious credibility problems for the United States—credibility problems which affect our relationship with our allies and the developing countries. Much as U.S. exporters must be perceived as reliable suppliers of the goods and services they sell in order to successfully compete on world markets, so too must the United States maintain its reputation as a responsible member of the World Bank and other regional development banks if we are to remain influential in these institutions. And I can assure my colleagues that U.S. influence and participation is critical if these institutions are to continue serving our interests.

My subcommittee will be holding an extensive series of oversight hearings in the coming months to help determine what the future role of these institutions should be in most effectively fostering economic development in Africa, Asia, and Latin America. We will not be afraid to criticize these institutions and the development policies they have pursued when such criticism is warranted. However, our exercise will be a futile one if the United States does not live up to its previous commitments to these banks and their clients, the developing countries. We simply will not have the platform from which to promote the changes which we might find desirable to support. Overall the World Bank, Inter-American Development Bank, Asian Development Bank, and African Development Bank have served U.S. economic, humanitarian, and strategic interests well in the past. Improvements can be made to ensure that they continue to do so in the future.

I want to take this opportunity to commend the work of the chairman of the Foreign Operations Subcommittee, Mr. OBEX, for successfully forging bipartisan support for this funding request in the Congress. I am confident that our efforts, along with a strong level of commitment from the President and his administration, will enable the United States to maintain a constructive role in helping the MDB's fulfill their responsibility as engines for economic progress in the developing world. I, therefore, urge the House to approve these needed funds.●

● **Ms. MIKULSKI.** Mr. Chairman, I rise in support of H.R. 2577, the supplemental appropriations bill for fiscal 1985.

This measure would fund a host of key programs for the remainder of the fiscal year. In several instances, the bill limits the activities of Federal agencies until Congress has a chance

to set the terms under which these activities should be carried.

As a member of the Merchant Marine and Fisheries Committee, and one who represents the great Port of Baltimore, I am particularly interested in two provisions of this bill which relate to the Nation's maritime industry.

CDS PAYBACK

The first of these is in chapter 2 which prohibits the Department of Transportation from enforcing a controversial rule dealing with CDS payback.

This rule would permit vessel owners to repay their construction differential subsidies in return for the right to enter the domestic trade until Congress specifies the standards to govern any repayment program.

This rule would fundamentally alter a principle of the Merchant Marine Act of 1970 which permitted bulk carriers to receive a Federal subsidy in order to build vessels in American shipyards.

In exchange for accepting construction subsidies, these vessel owners were prohibited from operating in the domestic trade.

While these operators were building ships with subsidy for use in the foreign trade, our Nation's domestic operators were investing heavily in building new ships and retrofitting older ones for our domestic trade, particularly the Alaskan oil market.

The new rule fundamentally changes the rules in the middle of the game, despite the fact that domestic operators built their ships without subsidy and had considerably larger amounts of investment capital at risk than did those who built vessels with subsidy.

At a House hearing last month, shipbuilders, maritime unions, and domestic ship owners spoke about the dire economic and national security consequences which would occur if this rule takes effect.

The provision in H.R. 2577, which was approved by the Appropriations Committee by a more than 2-to-1 margin, simply bars the enforcement of the rule until Congress specifies the standards which should govern the repayment program.

Like similar restrictions on earlier appropriations bills, the amendment in the supplemental simply preserves the status quo so that Congress can address the economic and security issues raised by CDS repayment.

However, nothing in this legislation precludes ongoing judicial review of the legality of the rule or the rulemaking process that was followed.

The legislation stops the rule from going into effect pending further action by the Congress.

We are trying to provide the respective congressional authorizing committees with time to reach a settlement

on this issue after almost 2½ years of discussion and debate.

I look forward to working with the leadership of my own committee, particularly our chairman and vice chairman, Representatives JONES and BIAGGI, on a permanent formula for CDS repayment.

BALTIMORE HARBOR DREDGING

The second provision in this bill I want to voice by support for is chapter 4, the section which provides startup funds for numerous port development projects, including the Baltimore Harbor dredging project.

Dredging Baltimore to a depth of 50 feet has been authorized since 1970, and it is crucial that we proceed with this project as expeditiously as possible.

The Port of Baltimore is the single biggest economic resource in the State of Maryland.

Maritime activity connected with the port employs nearly 80,000 people directly and is worth over \$1.2 billion annually in revenues for organizations and individuals.

The Baltimore Harbor project is the oldest authorized port development project in the Nation which has never received a Federal appropriation.

The fact that we have not begun to deepen the harbor channel has had a significant, harmful effect on the port. Increasingly large container vessels need deeper channels to export dry bulk commodities, particularly coal.

Despite Baltimore's premier status on the east coast as a port loading center, the absence of a 50-foot channel has reduced its competitive position. In the process, our potential for new jobs and new port-related industries has been slowed.

It is critical that we get on with the business of developing our Nation's port and waterway infrastructure. That is why I support chapter 4 of this supplemental.

I commend the members of the Appropriations Committee for these projects, including full committee Chairman WHITTEN, subcommittee chairmen, NEAL SMITH and TOM BEVILL, and my own colleague from Maryland on the committee, STENY HOYER.

I thank them for their work and urge my colleagues to support prompt passage of this supplemental appropriations bill. Thank you. ●

● Mr. SHUMWAY. Mr. Chairman, I rise in opposition to this year's supplemental appropriations bill, H.R. 2577. During the time I have served in this body I have witnessed what has come to be an annual sham and a flagrant disregard for budgetary procedures. The legitimate and useful purpose of supplemental appropriations, to add urgent and necessary funds to regular annual appropriations, has been seriously distorted and abused over the years. I, like many of my fellow Mem-

bers, find myself forced into an unfortunate catch-22 situation. As a concerned legislator, I would like to support legislation to fund unforeseen yet necessary expenditures, in order to avoid the crisis of funding cutoffs and to help maintain the proper functions of Government. Yet, at the same time, I am most opposed to many of the appropriations in this bill which would fund discretionary pet projects and which have not been authorized, nor requested by the President. Time and time again, Congress has given only lip service to the Congressional Budget Act of 1974, by failing to meet deadlines, and by waiving its own rules governing the authorization and appropriations process which requires that an authorization precede an appropriation.

This legislation is a textbook example of a situation that cries out for the use of a Presidential line item veto. The bill contains millions of dollars worth of unauthorized appropriations. And once again there are a number of pork barrel appropriations riding piggyback on the legitimate budgetary requests. Our Government is one of checks and balances. The line item veto would provide a further check by the executive branch to curtail the unrestrained spending of Congress. A line-item veto would give to the President the authority originally envisioned by the authors of the Constitution, a power that has been eroded by Congress to the point where it has little persuasive influence on Congress' appetite to spend. Let us not continue to send to the President bills such as the one we are debating today, which contain much of what is good and some of what is wasteful, and then tie the President's hands, forcing him to accept all or nothing. Let us provide a means of escape from the catch-22 trap by means of which we are held hostage by the tyranny of special interests, pet projects, and uncaring big spenders. It is long past time that we follow the lead of 43 State legislatures and establish a line-item veto.

This bill before us today contains 64 new water resource development projects, only half of which have been authorized. Many of these are designed to serve primarily local interests and, therefore, must be categorized as pork barrel water projects. The Office of Management and Budget has projected that the total cost of the additional water projects from start to finish will be about \$4.8 billion. During last Congress, similar pork barrel water projects were removed from the continuing resolution in conference because of a veto threat by the President. Yet, the procedure was not changed and the same process is being repeated. Pork barrel propo-

nents have returned to the trough to lap up some more Government largess.

I am not against the Federal support of water projects; to the contrary, I have voted for many such projects and indeed am seeking reauthorization of one in my own district—the Auburn Folsom South project. But I am not seeking an appropriation without proper authorization or local cost-sharing provisions which help to relieve the Federal Government from bearing the entire burden.

Overall, I support many provisions of this bill as they represent legitimate needs necessitating Federal funding. But at a time when deficits are projected to exceed \$200 billion and Congress is struggling toward deficit reduction, I believe all Federal spending must come under close scrutiny. The old routine of adding big spending projects into appropriations bills must be put to an end. We must not allow the lure of funneling money into our home districts or appeasing special interests to deter us from our goal of reducing Federal spending and balancing the budget.●

● Mr. BATES. Mr. Chairman, included in chapter VI of this bill is a provision dealing with the Tijuana sewage problem that has affected the San Diego community.

Last year, Congress appropriated \$5 million for design and construction of a treatment facility to address the problem of sewage from Tijuana polluting the Tijuana River basin and San Diego beaches. For various reasons that money was never obligated. Since that time, the Government of Mexico has expressed its willingness and commitment to construct and maintain a treatment facility in Mexico to ensure the proper treatment and control of wastewater from Tijuana.

Congressman DUNCAN HUNTER and I have developed a proposal—which has been approved by the city and county of San Diego and the State of California—to construct a collector system and pipeline that would divert renegade sewage to the proposed Mexican treatment plant. This supplemental conveyance system will ensure the protection of the San Diego area.

Because the current statutory language is too restrictive, chapter VI of this bill contains a technical amendment that will allow the Environmental Protection Agency to release the previously appropriated funds for the planning and design of this proposal.

I am grateful of the assistance and attention of the Appropriations Subcommittee on HUD and Independent Agencies, and particularly the efforts of Chairman Ed BOLAND.

Soon this international problem, which has plagued the San Diego area for decades, will be resolved.●

● Mr. GREEN. Mr. Chairman, I should like to commend the committee

and subcommittee chairmen, Mr. WHITTEN and Mr. NATCHER and the ranking minority member, Mr. CONTE, for including in the fiscal year 1985 supplemental appropriations bill an extremely important provision: funding for the program to aid family violence victims.

The tragedy of family violence cannot be overstated. This problem claims 2,000 to 4,000 women's lives each year. Approximately 1.8 million women annually are the victims of spouse abuse. Assistance for these women is far from adequate, a fact illustrated clearly by statistics from many shelters which report that they must turn away seven women for every one woman that they can serve. Last year we enacted the Child Abuse Amendments of 1984, and included a provision for a family violence program which permits funds to be given to nonprofit organizations that operate shelters for battered women and their children. However, funds have not been appropriated thus far. The \$6 million included in this bill for the program is critically needed and represents a sincere beginning in our efforts to alleviate this problem.●

The CHAIRMAN. If there are no additional requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes, namely:

TITLE I CHAPTER I

DEPARTMENT OF AGRICULTURE COOPERATIVE STATE RESEARCH SERVICE

For an additional amount for necessary expenses of "Cooperative State Research Service", \$300,000.

For an additional amount for a grant under the Act of August 4, 1965, as amended (7 U.S.C. 450i) to the New Mexico State University to help relocate the Fort Stanton Experimental Station to another site, thereby making available land needed for a new Ruidoso airport; \$1,200,000 to remain available until expended, to be available only upon the legislative transfer of the land from the Bureau of Land Management to the Sierra Blanca Airport Commission or the Village of Ruidoso and upon the enactment of an amendment to the law establishing the airport improvement fund which will permit Airport Trust Funds to help reimburse New Mexico for its investment.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

For an additional amount for the Federal share of the cooperative boll weevil eradication program, not to exceed \$650,000; and for an additional amount to restore funds borrowed from other programs in order to conduct a grasshopper control program, \$10,000,000.

ECONOMIC RESEARCH SERVICE

For an additional amount for the Economic Research Service to determine the losses

suffered by United States farm producers of agricultural products during the last decade as a result of embargoes on the sale of United States agricultural products and the failure to offer for sale in world markets commodities surplus to domestic needs at competitive prices for use in determining what part of existing indebtedness of farmers should be suspended as a result of such foreign policy, \$500,000.

STATISTICAL REPORTING SERVICE

For an additional amount for "Statistical Reporting Service", \$1,560,000, for the Quarterly Farm Labor Survey.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Effective May 1, 1985, none of the funds in this or any other Act shall be available to close or relocate any State or county office of the Agricultural Stabilization and Conservation Service.

FEDERAL CROP INSURANCE CORPORATION SUBSCRIPTION TO CAPITAL STOCK

To enable the Secretary of the Treasury to subscribe and pay for capital stock of the Federal Crop Insurance Corporation, as provided in section 504(a) of the Federal Crop Insurance Act of 1980 (7 U.S.C. 1504), \$50,000,000.

FEDERAL CROP INSURANCE CORPORATION FUND

For emergency borrowing authority as authorized by section 516(d) of the Federal Crop Insurance Act, as amended (Public Law 96-365), \$113,000,000 shall be available to the Federal Crop Insurance Corporation.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

For an additional amount to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), \$3,935,790,000.

OFFICE OF RURAL DEVELOPMENT POLICY

Of the funds made available by Public Law 98-473 for the Office of Rural Development Policy, \$209,000 shall remain available until September 30, 1986.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$17,000,000, to provide for the review of farm loans held by the Farmers Home Administration to determine, on a case-by-case basis, which borrowers are unable to continue making payments of principal and interest due to circumstances beyond their control and, thereby, qualify for temporary deferral of principal and interest and the foregoing of foreclosure as authorized by law. Upon presentation of substantial evidence to the Secretary that a borrower qualifies, payment of principal and interest shall be suspended and the Secretary shall forego foreclosure of loans owed to the Federal Government, as authorized by law. Other creditors shall be requested to postpone payments due.

LOAN PROGRAMS

Effective November 12, 1983, and thereafter, the interest rate charged by the Farmers Home Administration to housing, farm, water and waste disposal, and community facility borrowers shall be the lower of the rates in effect at either the time of loan approval or loan closing and any Farmers Home Administration grant funds associated with such loans shall be set in amount

based on the interest rate in effect at the time of loan approval.

FOOD AND NUTRITION SERVICE

FEEDING PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

The appropriation for the feeding program for women, infants and children (WIC) contained in the conference agreement on H.R. 5743 (House Report 98-1071), as enacted into law by reference in Public Law 98-473, is hereby amended by striking out "which shall be available only to the extent an official budget request is transmitted to the Congress".

FOOD STAMP PROGRAM

For an additional amount for "Food stamp program", \$318,856,000.

□ 1320

Mr. CONTE. Mr. Chairman, I move to strike the last word.

(Mr. CONTE asked and was given permission to revise and extend his remarks.)

Mr. CONTE. Mr. Chairman, chapter I contains our committee's recommendations for \$4.49 billion in general program supplementals for the Department of Agriculture. The majority of this amount, \$3.936 billion is to reimburse the Commodity Credit Corporation for net realized losses. Although the President has not submitted a request for such appropriations, the fiscal year 1986 budget request denotes the requirements for this additional budget authority within its proposal for the conversion of the restoration of CCC losses to a permanent, definite appropriation. In light of the committee's rejection of this proposal, the administration has not objected to this provision.

The committee has recommended five fiscal year 1985 program supplementals as requested by the administration. These include \$1.56 million for the Statistical Reporting Service to convert the annual Farm Labor Survey to a quarterly basis; \$50 million to subscribe and pay for Federal Crop Insurance Corporation capital stock; an additional \$113 million in emergency borrowing authority for the FCIC; \$318.9 million for the Food Stamp Program; and \$17 million for salaries and expenses at the Farmers Home Administration.

In addition to those items requested by the administration, the committee has also recommended \$300,000 to the Cooperative State Research Service for shrimp aquaculture research; an amount not to exceed \$650,000 for the cooperative Boll Weevil Eradication Program at the Animal and Plant Health Inspection Service; \$10 million to APHIS to restore the funds borrowed from other programs to conduct a grasshopper control program; \$500,000 to the Economic Research Service to conduct several studies; and a \$209,000 reappropriation to the Office of Rural Development Policy.

Among the remaining provisions in chapter I include a prohibition on the

use of funds in this or any other act for the closure or relocation of any State or county office of the Agricultural Stabilization and Conservation Service as of May 1, 1985. We have also included \$1.2 million for New Mexico State University to assist in the relocation of the Fort Stanton Experimental Station to another site, making land available for a new Ruidoso airport. The availability of these funds is made contingent on the enactment of legislation providing for the land transfer and the establishment of an airport improvement fund.

We have also included several provisions for the Farmers Home Administration to which the administration has expressed opposition. These include the provision on the suspension of payment on principal and interest of loans upon presentation of substantial evidence to the Secretary that a borrower qualifies, and the requirement that FmHA charge the lower of the interest rates in effect at the time of loan closing or loan approval on water and waste loans.

Finally, the committee has included language repealing a requirement contained within the fiscal year 1985 continuing resolution and making available \$76 million in appropriated funds for the Special Supplemental Food Program for Women, Infants and Children [WIC]. It is my understanding that the President will today submit a budget request to the Congress effectively providing for the release of these funds. I am hopeful that this request will soon be forthcoming, and that the Food and Nutrition Service will make these funds available to participating States by July 1, in accordance with the directive contained within our report to accompany this bill.

With regard to increases for pay costs, the committee has recommended a total of \$46.5 million, including \$673,000 by transfer and \$903,000 by increases in limitations. These recommendations are included in title II of this bill.

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 6, after line 3, insert the following:

TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses for States and local agencies to carry out the distribution of surplus commodities under the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note), \$4,270,000.

Mr. LELAND. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I am glad to yield to the gentleman from Texas.

Mr. LELAND. Mr. Chairman, I would like to commend the gentleman for putting forward this proposition.

I rise in support of the amendment offered by my colleague, Mr. DORGAN, to provide supplemental funding for the Temporary Emergency Food Assistance Program of \$4.3 million.

Twenty-nine States will be unable to continue providing commodities now in Federal storage to the poor without these funds for transportation and storage. The State aid enables private and local government agencies to bring the food to the 15 percent of our country's population now living below the threshold of poverty.

There is no question that the food is needed. An April report by the U.S. Conference of Mayors stated that in 21 cities surveyed during the first 3 months of this year, 24 percent—nearly one-fourth—of the emergency demand for food went unmet. How can we possibly keep food in storage—at a cost to the taxpayers—when there is documentation that needs are unmet?

In my own city, Houston, TX, emergency food assistance requests continue to increase. The Houston food bank distributed more than half a million pounds of food in 1982; by the end of 1984 that distribution had risen by over 600 percent. Houston metropolitan ministries tell me that their weekday meal service provides the only meal for 76 percent of the homebound elderly they serve.

In Texas the TEFAP Program brings monthly allotments of food to 436,100 households in 250 counties. To date in fiscal year 1985 almost 5 million pounds of commodities—rice, cheese, butter, and dry milk—have been distributed.

According to a study prepared by the Food Research and Action Council, Texas is one of the States experiencing a shortfall in TEFAP funds. The Texas Antihunger Coalition, the capital area food bank of Texas and the State Department of Human Resources report that the amount needed is \$650,000. This is less than some States require and more than others but certainly not too much to move food from unproductive storage to people who are hungry.

Some States are attempting to make up the shortfall. In Texas, Al Price, a State representative from Beaumont, has introduced legislation to use carry-over funds to supplement TEFAP. However, there is no certainty that such funding transfers will be sufficient.

Earlier this year I introduced the comprehensive Nutrition Assistance Act which called for more adequate funding for TEFAP for fiscal year 1986. Mr. DORGAN, who is also a member of the House Select Committee on Hunger, was a cosponsor of that legislation. The amendment now

before us is crucial to sustaining the flow of commodities needed by hungry people during the final quarter of this year.

The system set up by States and local governments in cooperation with churches and other private groups to deliver commodities has worked well with limited financial support from the Federal Government. Each dollar appropriated is matched by countless volunteer hours. To bring this process to a halt is certainly not in the public interest.

During the past few weeks we have seen new reports reminding us that more than half the children in this country grow up poor. This situation is shameful. To deny growing children proper nutrition today is to deny them their future. The proposed amendment will help thousands of families with small children, as well as the elderly and other needy individuals, meet nutritional needs during the next 3 months. This is the least we can do.

Mr. DORGAN of North Dakota. Mr. Chairman, there are some things we do in our Government that we must do. One is, in a country as wealthy as this, we must feed those who are hungry.

In 1983 President Reagan offered an initiative that I thought was an awfully good one. He initiated a program that would allow the surplus commodities that are stored in caves in Missouri and other places around the country—milk, nonfat dry milk, cheese, cornmeal, honey, and so on—to be moved out of storage, for which we are paying a substantial amount of money, into soup kitchens, food banks, and other areas of the country serving the hungry and the needy in America.

I supported President Reagan when he did that. I commended him for it. I think it is an awfully good program. It is better that we discontinue paying storage on those surplus commodities and use the money instead to move those commodities to the people who are trying to feed the hungry in America.

We have run into a problem, however, on the cost of distribution. Fifty million dollars was made available as part of the cost of moving these commodities to the volunteer organizations in the country who are going to distribute the food to the hungry people.

In the fourth quarter of this fiscal year, there is a need for \$4.27 million to continue the ability of about 29 States who either have now run out of money or will run out of money to distribute these commodities.

Mr. Chairman, some things can wait, but some things cannot. This is a case where people simply will not eat these commodities that instead will be stored in surplus if we do not provide this money. We are not talking about

a great deal of money, but it does make a big difference.

The question of whether we provide that money now really will determine whether or not those commodities move from storage to the soup kitchens of America to help feed hungry people.

I have not offered amendments to supplementals in the past and I am reluctant to do so today, but this is one of those things that cannot wait. The news reports in this country show that the number of hungry in this country is increasing. One-fourth of the children in America under the age of 6 are living in poverty. That is a staggering figure.

We do have surplus food. We do have the capacity, with the leadership of President Reagan under a program created by him, and adopted by Congress, to move this food to people who will distribute it to the hungry of America. That makes good sense. It makes good sense for everybody: For the farmers; for the taxpayers who have to pay for the storage; but especially, it makes good sense in terms of our responsibility to the hungry people of America.

I would urge, Mr. Chairman, that we accept this amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I would be happy to yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to compliment the gentleman for his amendment.

Earlier this year I had a hearing in my own district on the problem of the homeless. We had chance to go out and visit the food banks and many of the feeding kitchens in those areas. There is a desperate need for this amendment and I compliment the gentleman from North Dakota for offering it.

I think it is something that is vitally important. At a time when this country, in a very generous way, is dealing with problems throughout the world, I do not think we should forget the people right here at home who are needy and need this assistance.

I urge the House to accept this amendment.

Mr. DORGAN of North Dakota. I thank the gentleman from Washington.

It would be my intention that the USDA would use this money to target the areas that need this money, to move these commodities to the hungry people in this country.

Mr. WHITTEN. Mr. Chairman, we have no objection to the amendment on this side.

Mr. CONTE. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I have no specific objection to the amendment offered by

the gentleman from North Dakota at this time. This is in part due to the fact that very little, if any, information on the amendment has been available to this committee, at least on this side of the aisle. Our committee in the last Congress made \$50 million available to the Temporary Emergency Food Assistance Program for this fiscal year. We support this program and the commodities which are made available to the needy men and women and children of this country; however, I am not convinced of the need for \$4.27 million in supplemental assistance at this time.

I will accept the good intentions of the gentleman, as expressed in the amendment; however, in the period of time that precedes our conference with the other body on this supplemental bill, I plan to take a very close look at the justification for this additional amount and request a full report from the Department of Agriculture on the administration of this program to date.

I would like to have the attention of the gentleman from North Dakota for a few questions.

First of all, how many State and local agencies require supplemental funding for TEFAP in 1985?

Mr. DORGAN of North Dakota. There are now 29 States that either have now or will be facing a shortage of money prior to the end of the fiscal year. A number of those States have gone back and tried to get additional moneys from their State or local jurisdictions. In many cases that is impossible to do. State legislatures in some cases are not in session. Other bodies have adjourned that would have been able to provide additional money.

Unfortunately, I say to the gentleman from Massachusetts [Mr. CONTE], a number of us do not have very much information about this because the information on this problem has been developed rather recently; but the difficulty we have is that if we do not provide some additional help the distribution of the commodities will be cut off. That is why I consider this a rather urgent request.

Mr. CONTE. Well, further, what accounts for this need? As I understand it, the full amount authorized and appropriated was made available in December. Why is it that the States and local agencies now have overspent funds, when they received money only 6 months ago?

Mr. DORGAN of North Dakota. It is not necessarily a case of local governments overspending. In most instances it is a case of the States that have a larger geography to serve discovering that transportation costs are much greater than that which was made available to them.

Let me say that I fully support the gentleman's notion that in the coming

weeks, working up to a conference committee, we need to get as much information as we can from the USDA to make certain that we are only spending money that is necessary. I think the gentleman and I share the same goal. We want these commodities to move from storage to hungry people. We want to get that job done, but we do not want to spend any more money than is necessary.

Mr. CONTE. The other thing I want to say is that I heard the gentleman from Washington [Mr. Dicks] say that he has examined the program. So have I. But I have also examined some program participants in my hometown of Pittsfield. I know people who are retired, husbands and wives from the General Electric Co., who are going down to Las Vegas resorts and are out there collecting cheese. Now that is wrong. We have got to tighten up on this program.

I want to help the hungry. I want to help the needy; but you know what happens. Some say, "Well, Joe Blow next door gets it, so why shouldn't I get it?" That is a scandal and an outrage.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield further to me?

Mr. CONTE. Yes, go ahead.

Mr. DORGAN of North Dakota. I agree with that. But, we do not want the exception, in my judgment, to injure the rule. If there is an exception, if there is abuse, I want to work with the gentleman to get rid of that abuse; but the rule is that the number of hungry in this country are increasing. We have got enormous amounts of surplus commodities. I support the President's attempt to move them out to the people that need to eat them.

Mr. DICKS. Mr. Chairman, will the gentleman from Massachusetts yield?

Mr. CONTE. Surely, gladly.

Mr. DICKS. Mr. Chairman, I want to say that I agree with the gentleman, too. I think it is absolutely essential that these resources go to the people in the communities who are truly needy and I certainly support the gentleman.

I might add, I do not think people should be gambling with their cheese money, either.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

The amendment was agreed to.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to ask a couple of questions about a section of the bill that we just passed with regard to the Food Stamp Program.

The supplemental appropriation allocates \$318,856,000 for the Food Stamp Program. I would ask the distinguished Chairman, the gentleman from Mississippi, is this money for the

Food Stamp Program within the budget allocation from last year?

Mr. WHITTEN. Mr. Chairman, may I say to the gentleman, it is and the money, as the gentleman knows, is required under the basic law. This is the exact request that we were given by the President as to what the requirements would be for the remainder of the year.

Mr. WALKER. That was my second question. In other words, this is going to be sufficient money now to carry us through the end of the year; is that correct?

Mr. WHITTEN. That is my understanding.

Mr. WALKER. Well, I go back, the reason I am asking the questions is that it seems to me that when we passed the appropriations bill last year, we only partially funded the Food Stamp Program. The original budget request from the Reagan administration was for \$11.596 billion and the appropriation level was \$11.5 billion.

□ 1330

I do not have the exact figure that was in the budget, but the gentleman is assuring me that the \$318 million that we are appropriating here is within the budget from last year and will not exceed last year's budget request for food stamps, and will get us through the rest of the year; is that correct?

Mr. WHITTEN. Of course I am a little skeptical about giving the gentleman a guarantee. This is handled by the executive branch of the Government and it is a big program, as the gentleman knows. Our committee has tried regularly to try to control the handling of the Food Stamp Program. It is a program where it is hard to control because many prosecutors do not care to deal with the slight violations of the law that occur. Also, the certification is by the State welfare agents and the handling of it at the local level is by the State welfare agencies.

I can tell the gentleman this: It is our best judgment as to what they need, it is the full amount of the President's budget request, and the money is required by law.

Mr. WALKER. I thank the gentleman for that explanation.

What about the fact, then, that last year we funded the program for only part of the year at the full appropriation level? I mean where are the extra funds coming from if this is within the budget?

Mr. WHITTEN. As the gentleman will see in our report on page 21, we point out:

Public Law 98-473, enacted October 12, 1984, provided that, effective November 1, 1984, food stamp allotments would be increased to reflect 100 percent of the cost of the Thrifty Food Plan. Until passage of this law, food stamp allotments for fiscal year

1985 were scheduled to be based on 99 percent of the value of the Thrifty Food Plan.

So we are only following the law.

Mr. WALKER. I thank the gentleman, but that still does not get to the point I am raising. I realize that we have laws that may cause the amount for the Food Stamp Program to increase the cost, and that is what we are responding to here. I am trying to find out whether or not we are staying within the budget. I am concerned about the fact that last year when we appropriated money, when the appropriations bill was on the floor we only partially funded the Food Stamp Program. We only funded the Food Stamp Program for a period of some months, and it was not for the full year. It seems to me that it was for a 9-month period, but it may have been for 10½- or an 11-month period. I have forgotten exactly.

I am trying to find out right now whether or not we are now going over the budget in order to make up for the fact that we only partially funded the Food Stamp Program.

Mr. WHITTEN. The gentleman is familiar with what the budget is that is sent to Congress by the President, actually worked up by Mr. Stockman in the Office of Management and Budget. They have a regular system of submitting a budget request for far less than the law requires. In those instances we have appropriated the money as provided by law for such time as it would last. They want to write us a letter and ask us to appropriate the full amount and not send down an official budget estimate so we are the ones who appear to exceed the budget. So there have been a number of times we have appropriated the requested amount for less than 1 year because they refused to send a budget request that is sufficient to carry out the law for the full year. So that is a constant problem that we have with the Office of Management and Budget.

Mr. WALKER. My point is, though, that you give the administration kind of a Hobson's choice and you do it I think very consciously then when in fact what you do is only fund the program for part of the year. You use up all of the money in the budget and then say to the administration: "But if you send us a letter, send us a letter asking for money for the rest of the year, then it is you that are at fault for exceeding the budget and not us."

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. WHITTEN. From our viewpoint, they are asking us to either exceed the budget or to violate the law. So we appropriate the money for the period

that it will last as required by law, which I think is the only way to get the Office of Management and Budget to send a proper budget estimate down.

For this estimate I do not think that applies, because for fiscal year 1985 we appropriated the full amount required under the law. The law was changed after we passed our bill and the President submitted a supplemental request to carry out the new law.

Mr. WALKER. So what I hear is that we should not, under the best judgment of the committee, have another supplemental appropriation back sometime this summer for additional moneys for the Food Stamp Program?

Mr. WHITTEN. I do not know how to satisfy the gentleman, not only about this but about any other thing. I will just tell him what the committee has done. We have refused to change the law by appropriating less money than required by law for the full year. We have appropriated the full amount required to carry out the law. We have followed the figures requested by the President, but, again, it is an estimate.

Mr. WALKER. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER II

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses", \$992,000, to remain available until expended.

Of available funds under this head, \$449,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, \$241,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, \$433,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

ECONOMIC DEVELOPMENT ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, \$120,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

INTERNATIONAL TRADE ADMINISTRATION

PARTICIPATION IN UNITED STATES EXPOSITIONS

(RESCISSION)

Of available funds under this head, \$6,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

(RESCISSION)

Of available funds under this head, \$305,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

UNITED STATES TRAVEL AND TOURISM

ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, \$468,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

NATIONAL OCEANIC AND ATMOSPHERIC

ADMINISTRATION

FISHERMEN'S CONTINGENCY FUND

For an additional amount for "Fishermen's Contingency Fund", \$500,000, for carrying out the provisions of Title IV of Public Law 95-372, as amended, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES LOAN FUND

(RESCISSION)

Of available funds under this head, \$1,550,000 are rescinded.

FEDERAL SHIP FINANCING FUND, FISHING VESSELS

For necessary expenses of the "Federal Ship Financing Fund, Fishing vessels", \$20,700,000, to remain available until expended together with such sums as may be necessary for the payment of interest, for payment to the Secretary of the Treasury for debt reduction.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, \$1,472,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

NATIONAL TELECOMMUNICATIONS AND

INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, \$183,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

PUBLIC TELECOMMUNICATIONS FACILITIES,

PLANNING, AND CONSTRUCTION

(RESCISSION)

Of the funds made available under this head, \$32,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves the proposed deferral D85-54 relating to the Department of Transportation, Maritime Administration, "Operations and Training" as set forth in the message of February 6, 1985, which was transmitted to the Congress by the President.

AMENDMENT OFFERED BY MR. DAUB

Mr. DAUB. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAUB: On page 9 strike out lines 24 through 26 and on page 10 strike out lines 1 through 6.

Mr. DAUB. Mr. Chairman, the amendment I am offering this afternoon would delete language in this bill, which amazingly prevents the repayment of at least \$200 million in taxpayers' money back to us and to the Federal Treasury.

The taxpayers subsidized U.S. shippers competing in foreign commerce to the tune of hundreds of millions of dollars over the last decade or so. These shippers now want to repay these subsidies to us with interest. This would result in \$200 million to \$400 million of repayments to the Treasury.

In return for these repayments these shipowners want to be allowed to compete in transporting Alaskan oil to the lower 48 States, which current law prevents them from doing. Competing in this market could save \$800 million to \$3 billion over the next 3 years in reduced oil costs.

The House first concurrent budget or Gray resolution assumes that at least \$200 million of these subsidies will be paid back in the next year. So did the 92 Group budget substitute and the Latta budget substitute. The Senate budget resolution also assumes this repayment.

It seems that all major budget instruments in the House or the other body assume that the American taxpayer is going to get at least \$200 million of prior subsidies repaid to them.

□ 1340

All budget instruments, that is, except for the one before us today. This supplemental appropriations bill has a rider in it which I propose to strike to prevent these substantial repayments as well as the lower Alaskan oil costs which would result from permitting domestic oil shipping competition.

My amendment would knock out this costly rider, a rider which is designed to prevent the regulations published which would be effective tomorrow from going into effect that would have allowed by regulation this repayment to occur.

But I have received assurances from my colleagues, Mr. WALTER JONES, the distinguished chairman of the House Committee on Merchant Marine and Fisheries, and Mr. NORMAN LENT, the distinguished ranking member of that committee, that they will work for legislation in the committee permitting substantial repayment and increased shipper competition in Alaskan oil.

HOUSE OF REPRESENTATIVES,

Washington, DC, June 6, 1985.

TAKE MY SUBSIDY—PLEASE

This headline from a New York Times editorial describes the saga of shipowners caught in the unfortunate position of attempting to give back taxpayer money! I call the position unfortunate because giving back American money even at a time of

staggering deficits appears to be a formidable task. They haven't been allowed to do it.

Here's their problem. In the 1970's the taxpayer paid hundreds of millions of dollars to construct oil tankers to be used in foreign trade. The taxpayer provided and will continue to provide operating subsidies for these ships. Many of these shipowners now want to repay the subsidies to the Treasury with interest and forego future operating subsidies! This could result in payments to the Treasury of \$200 to \$400 million!

In exchange for the privilege of returning money to the taxpayer, these shippers want to participate in transporting domestic oil from Alaska to the lower 48 states. Their participation in this trade will result in reduction in shipping cost of Alaskan oil from \$800 million to \$3 billion according to the Department of Transportation. This means big saving for consumers over the next few years.

The Department of Transportation has tried to allow repayment of the subsidies and permit competition in Alaskan oil trade. Congress has blocked such anti-deficit heresy. In fact, the supplemental appropriation bill on the floor this week again blocks this repayment.

This is despite the fact that the First Concurrent Resolution, the House 92 Group Substitute, the Latta Substitute and the Senate Concurrent Budget Resolution all assume that at least \$200 million of the subsidies will be repaid by shippers.

For the sake of taxpayers and consumers as well as the novel notion that repaying the taxpayer ought to rise to the status of an unalienable right, I intend to offer an amendment to the Supplemental Appropriations deleting that portion of the Act which prevents this subsidy payback.

I hope you will join me in supporting this amendment.

Sincerely,

HAL DAUB,
Member of Congress.

[From the New York Times, April 15, 1985]
TAKE MY SUBSIDY—PLEASE

The owners of big American-built oil tankers want to give back some \$400 million in Government subsidies. But they're having a hard time persuading Washington to accept the cash. The chronicle of their difficulties is a dreary study of government at its worst.

It costs far less to build a ship in a foreign shipyard than in America. Yet some Americans are afraid that foreign competition will destroy the commercial shipbuilding industry. They have gone far with the dubious theory that the industry is essential to national defense.

That is how Congress came to spend hundreds of millions in the 1970's to subsidize fully half the cost of building 29 oil tankers for the international trade. But even with these subsidies, the tankers have been unable to turn a profit.

The only American tankers making money today are the ones carrying oil from Alaska to American refineries. They are highly inefficient but manage a profit because they have a captive market. Oil companies are barred by law from selling Alaskan crude abroad and must use American-built ships to carry it to American refineries.

Not surprisingly, therefore, the owners of the subsidized international fleet would like to get into this lucrative Alaska market. But when Congress decided to subsidize their ships, it insisted that they would have to stay out of domestic competition. So the in-

ternationals are begging to give back the subsidies.

The Transportation Department tentatively agreed two years ago to take the deal, with interest, and let the big tankers into the Alaska trade. But the owners of the rust buckets now serving Alaska protested bitterly. If they were driven out of business, they argued, the Navy would no longer have their ships to use in wartime.

The Transportation Department properly dismissed that claim. If barely seaworthy tankers are needed to fight the next war, it concluded, let the Pentagon buy them for scrap value and keep them in mothballs. The real question was whether the Alaska shippers deserved precedence over the taxpayers who subsidized the internationals. And the answer to that, it concluded, was easy.

But the story did not end there. The Alaska fleet steamed up to the Capitol Hill and got Congress to prohibit the deal. And it wants the prohibition renewed when it expires on May 15. Given the budget deficit, Congress, too, is likely to yield to common sense. But that still leaves the White House, where highly placed friends of the Alaska tankers are trying to persuade the National Security Council to reweave the threadbare argument about national defense. Is the Administration serious about reducing waste and making the economy more competitive? Watch what it does.

I have also spoken with both Mr. BIAGGI, the chairman of the Subcommittee on Merchant Marine, and Mr. GENE SNYDER, the able ranking member of that subcommittee, who pledged their best efforts on this matter of such importance to the taxpayers and consumers.

I understand a member of one of those committees is present and desires to have a colloquy.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. DAUB. I would be happy to yield to the distinguished chairman of the subcommittee.

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Chairman, pursuant to our discussion prior to this moment, I want to assure the gentleman [Mr. DAUB] that the Merchant Marine Subcommittee, which I chair, has had hearings on the issue and is prepared to have markup the week after next, and I cannot be more vigorous in my commitment to the gentleman [Mr. DAUB] so that he can be assured that this committee is determined to go ahead and have legislation. What we are trying to do is work out a compromise, a compromise which is conceivable. Both ends of the spectrum are moving in light of the reality of the day, irrespective of the philosophical differences. We are trying to work it through the legislation so that we can accommodate all segments of the industry without destroying the industry and also accommodate the gentleman's prime concern with relation to some moneys coming back into the revenue.

Mr. DAUB. Mr. Chairman, I say to the gentleman I appreciate his com-

mitment in that regard. I am not a member of the subcommittee or the full committee of which the gentleman is a member. I profess not to be an expert on the matter, but I am interested in the budget savings that have been generally agreed upon by the Congress up to this point and I am interested as well in the procompetition aspect of that.

I think there is a great consumer benefit but I do not want to interfere with what seems to be a fairly rapid track. This supplemental was probably not anticipated, and the committee has already committed itself to a markup to forge those savings and that improvement in the competitive price of oil from Alaska.

Mr. Chairman, I commend the gentleman for his interest in that regard and thank him for his contribution to my thinking in the matter.

Mr. BIAGGI. I thank the gentleman for his comments.

Mr. DAUB. If I might proceed, I do want the RECORD to reflect a "Dear Colleague" which was entitled "Take My Subsidy, Please" which is the caption as well of an article I would like to include in the RECORD, with the Chairman's permission, by the New York Times, so entitled, which discusses this differential subsidy and what now appears to be a substantial agreement on both sides of the aisle and in both bodies.

With that, Mr. Chairman, if there are no objections, I would ask permission that my amendment be withdrawn and would so move.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

Mr. CONTE. Mr. Chairman, reserving the right to object, all I can say is I am very disappointed in the gentleman from Nebraska withdrawing his amendment.

Mr. DAUB. I thank the gentleman.

Mr. CONTE. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

● Ms. MIKULSKI. Mr. Chairman, I rise in very strong opposition to the amendment to strike the provision which deals with CDS payback from the supplemental.

As my colleague from Nebraska has indicated in offering this amendment, the Department of Transportation has issued a final rule to provide a formula for CDS repayment.

I oppose that rule for three simple and straightforward reasons:

First, because it will cause a substantial loss of jobs in the domestic seafaring and shipbuilding industries.

A recently released study by Deloitte, Haskins and Selles puts the total at somewhere around 8,000, and some have said that is just the tip of the iceberg.

Second, it will hurt our national security.

This rule will put most of our Nation's smaller tankers out of business permanently. Yet it is these very tankers we will need in the event of our own "Falklands crisis".

Third, this rule essentially changes the rules in the middle of the game.

The Merchant Marine Act of 1970 specifically gave bulk carriers the right to receive construction subsidies so they could build ships in American shipyards.

In return for these subsidies, these operators were restricted to ploughing the foreign trade exclusively.

They freely accepted subsidy, yet now they want to repay those subsidies and enter a trade which has been reserved since the 1920's for those who built vessels in American shipyards without Federal help.

On the other hand, operators in the domestic trade invested large sums of capital, at considerable risk, in return for the right to operate in the Jones Act.

These entrepreneurs have supported a strong U.S. merchant marine and U.S. shipbuilding base, because both help provide American jobs and a strong defense.

It is poor policymaking for a department of the Federal Agency to move on such a critical issue without Congress having its rightful opportunity to set the terms for any repayment.

Fourth, and finally, I oppose this rule because it is based on a false assumption:

That it will bring the Government a windfall in revenue with no strings attached, while at the same time lowering the cost of home heating oil for consumers.

The Deloitte study I referred to earlier suggests that under the best of circumstances, the rule would cause a negative impact on the Federal Treasury.

The rule could cost us as much as \$475 million from lost Federal tax revenues, defaults on title XI loan guarantees, and additional unemployment payments by the Government.

In addition, at a hearing last month before the Merchant Marine Subcommittee, the proponents of this rule indicated that it would not save consumers 1 cent in lower home heating oil or gasoline prices.

It is the level of foreign-imported oil, and little else, which regulates heating oil and gas prices.

CONCLUSIONS

We need a compromise on this issue which will settle it equitably and fairly once and for all.

But Congress needs additional time to set the terms for any repayment.

Nothing in this legislation precludes ongoing judicial review of the legality of the rule or the rulemaking process that was followed.

I am hopeful that we reach an equitable settlement on this issue and urge my colleagues to support the Appropriations Committee and vote down this amendment to strike the CDS payback language in the supplemental.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL PROVISION

None of the funds provided in this or any other Act shall be used for the enforcement of any rule with respect to the repayment of construction differential subsidy for the permanent release of vessels from the restrictions in section 506 of the Merchant Marine Act, 1936, as amended: *Provided*, That such funds may be used to the extent such expenditure relates to a rule which conforms to statutory standards hereafter enacted by Congress.

Mr. DINGELL. Mr. Chairman, I have an amendment at page 10.

The CHAIRMAN. It is required that the Clerk read the preceding paragraph, which we will assume is now done, and the gentleman from Michigan is recognized.

Mr. WALKER. Mr. Chairman, I have a point of order against this section.

The CHAIRMAN. The gentleman has a point of order against the section beginning on page 9?

Mr. WALKER. No; I am sorry; page 10.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 10, after line 6 insert the following:

FEDERAL COMMUNICATIONS COMMISSION

Notwithstanding the provisions of the next paragraphs under the heading "Salaries and Expenses" in this Act regarding relocation of the Fort Lauderdale, Florida, Monitoring Station, before the Federal Communications Commission and the General Services Administration take any action under such paragraphs committing funds for any purpose or disposing of Federal lands and facilities for such station, the Chairman of the Commission and the Administrator of the Administration shall (1) jointly prepare and submit to the Committee on Energy and Commerce and the Committee on Government Operations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Governmental Affairs of the Senate a letter or other document setting forth in detail provisions and procedures for such acquisition, construction, and disposition which reasonably carry out the provisions of these paragraphs expeditiously, but will not disrupt or defer any programs or regulatory activities of the Commission or adversely affect any employee of the Commission (other than those at the Monitoring Station who may be re-

quired to transfer to another location) through the use of appropriations for the Commission in fiscal years 1986 and 1987, and (2) wait a minimum of 30 calendar days for review by such Committees. Any reimbursed funds received by the Commission from the Administration pursuant to these paragraphs shall remain available until expended.

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. WALKER. Reserving the right to object, I do so simply to make an inquiry. It sounds to me as though the amendment goes to the section of the bill to which I was about to raise a point of order and was assured that the point of order did not rest at that time.

Mr. Chairman, I would renew my request that I be permitted to raise my point of order to the section of the bill that begins on line 7 of page 10.

The CHAIRMAN. The gentleman from Michigan has offered an amendment after line 6 and prior to line 7.

Mr. DINGELL. Mr. Chairman, I will be delighted to yield to the gentleman for the purpose of making the point of order as long as the amendment is considered in the proper course.

The CHAIRMAN. That paragraph has not been read. It is not in order to raise a point of order against it at this time.

Mr. WALKER. Mr. Chairman, I reserve then a point of order with regard to the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] reserves a point of order.

The gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes in support of his amendment.

Mr. DINGELL. Mr. Chairman, I offer the amendment reluctantly because of the great respect for the distinguished and able gentleman from Florida [Mr. SMITH], who not only is most able, but has been most persuasive. He and the staff of the Subcommittee on Telecommunications have had discussions on this matter, as have members of the staff of the full Committee on Energy and Commerce, and at the appropriate time I will ask unanimous consent to include the correspondence with the FCC relative to this matter in the RECORD:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, June 5, 1985.

HON. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building
Washington, DC.

DEAR CHAIRMAN DINGELL: This is in response to your letter of May 30, 1985, expressing concern regarding a provision of H.R. 2577, the Supplemental Appropriation

Bill for Fiscal Year 1985, that relates to a proposed relocation of the Commission's Ft. Lauderdale Monitoring Station within the State of Florida.

Please be assured that it was never the intention of the Federal Communications Commission to circumvent, in any way, the Committee on Energy and Commerce regarding the proposed relocation of the monitoring station. In fact, the legislative proposal for such a relocation was initiated by Congressman Larry Smith of Florida. Background information concerning this matter is reflected in the enclosures; a letter dated June 18, 1984, to me from six south Florida Congressmen; a letter dated June 26, 1984, to me from Congressman Wirth; a letter dated July 18, 1984, to Congressman Wirth from me; and a letter dated February 11, 1985, to Congressman Smith from me.

As reflected in the enclosures, the FCC had no objections to Congressman Smith's proposal if a suitable site could be found, if funding could be made available for the relocation, and if the relocation could be accomplished without disruption to the Commission operations. We understood that Congressman Larry Smith would coordinate this proposal with appropriate House and Senate Committee staffs.

With this as background, the following answers are provided to your specific questions:

1. Has the FCC concluded that relocation is necessary or appropriate? What justification, if any, exists for such a relocation? When did the FCC advise Congress of the need to relocate? What are the FCC relocation plans? What is the estimated cost thereof?

Answer: The FCC does not believe that relocation is necessary. However, there would be benefits to the public and to the Commission if such a relocation were authorized by Congress. Present power restrictions on radio and TV stations due to their proximity to the Fort Lauderdale Monitoring Station could be lifted if the monitoring station is moved, thereby providing better service to residents of the Fort Lauderdale area. Relocation to the proposed Vero Beach site would also enhance the overall effectiveness of the Commission's nationwide direction finding network as there would be less frequency congestion in that area. Finally, there could be a net gain to the U.S. Treasury in the range of two to three million dollars.

The FCC has had on-going discussions with Congressional staff since June 1984 regarding the possibility of relocating the Ft. Lauderdale Monitoring Station due to the construction of the highway adjacent to the Fort Lauderdale site. This proposal was discussed directly with Congressman Larry Smith in February 1985, when he indicated his willingness to pursue this issue with his fellow Congressmen and Senators.

If the relocation is approved by the Congress, the Commission would begin immediate procurement action to locate and execute an option on a new site such as Vero Beach. Once an option is negotiated, the current site would be declared excess to the General Services Administration (GSA) and would be put up for sale. Once a sale of the current site is negotiated by GSA with a lease-back provision, and funds from the sale become available, the Commission would exercise its option to buy the land and award contracts for the construction of the new facility. Relocation to another site will cost approximately four million dollars. This excludes the cost of leasing-back the

present facility pending construction of a new monitoring station.

I should emphasize that if Congress does not enact the requisite authorization for the relocation, or GSA cannot carry out its responsibilities in a timely manner, the Commission will proceed with its original plans to construct a new monitoring station with its antenna systems at the present Fort Lauderdale location. If we do not continue with our present schedule and the road construction is completed before the new station is finished, we run the serious risk of adversely affecting our vital monitoring mission due to the increased level of vehicular ignition noise.

2. Does the FCC support the provisions of H.R. 2577?

The Commission supports the provisions of the Bill for the reasons and with the reservations stated above.

3. The bill appears to authorize the FCC to use FCC operating funds in FY 1986 and 1987 for the relocation and to provide for a reimbursement. When must the FCC commit funds for the relocation? What will happen to FCC operations if the reimbursement does not occur in FY 1986 or in FY 1987? Why is reimbursement appropriate and necessary?

We are advised by the State of Florida that road construction adjacent to our Fort Lauderdale Monitoring Station will commence in November 1985 and the new highway is scheduled to open for public use in December 1987. During construction, monitoring capabilities will be adversely affected to a degree as the result of increased radio noise. Interference will increase substantially when the new highway is opened. Therefore, it is imperative that we complete reconstruction or relocation of the monitoring station on or before the end of 1987.

If authorization to move the Fort Lauderdale Station elsewhere in Florida is granted, funds would be needed in FY 1986 to initiate the relocation process.

As mentioned previously, if the proposed relocation is not authorized by Congress and funded in a timely fashion by sale of the present site, the Commission will proceed with its original plans to reconstruct the monitoring station at its present Fort Lauderdale location to ensure continuity of our nationwide monitoring network.

Either a direct appropriation or expedited sale and reimbursement as proposed in H.R. 2577 is required to relocate the Fort Lauderdale Monitoring Station. Approximately 75% of the Commission's appropriated funds are for salaries and benefits and most of the remainder is for essential support services such as office rent, telecommunications, and travel. Due to the cost, the Commission is not able to fund the relocation out of existing appropriations without seriously impairing its rulemaking, licensing, and enforcement programs.

4. Please explain why it is necessary to provide special provisions for the General Services Administration (GSA) to dispose of the property? Why is existing law not adequate? Does the GSA support this provision? What is the fair market value of this FCC property? Will all of the property be sold?

The special provisions required relate to the reimbursement of the funds directly to FCC. GSA has the authority to sell the land once declared excess, but not to reimburse a part of the sale price to the Commission. Further, GSA regulations concerning property disposal normally involve a lengthy process of offering available land first to

government agencies and then to the public for sale. The proposed special provisions would provide for both expeditious and direct reimbursement to the FCC. If the relocation is approved by Congress, the special provisions are required to ensure continuity of monitoring operations in the critical Florida area.

Because the authority contained in this legislation is discretionary, and no final decision to proceed in this manner has been made by the Commission, we have not yet been in direct contact with GSA. However, because of concerns you have raised, we will immediately contact GSA to explore the feasibility of this proposal and report to you on the results of our discussions.

We have not had a recent land appraisal on the Ft. Lauderdale property. However, as indicated in one of the enclosures, an offer of \$6.8 million dollars for the property has been received. Accordingly, it appears that the fair market value of the property would likely be in the range of \$6-7 million dollars.

It is anticipated that all the property would be sold.

I trust the above is fully responsive to your inquiry. Please call me if you need any additional information. I wish to assure you that the Commission will take no action on this matter which will in any manner jeopardize our mission or programs.

Sincerely,

MARK S. FOWLER,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 18, 1984.

HON. MARK FOWLER,
Chairman, Federal Communications Commission, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of our constituents in South Florida, we are writing you concerning the F.C.C. Monitoring Station in Ft. Lauderdale.

The Ft. Lauderdale station was built in 1947 when our entire region was largely undeveloped. This area is now the eleventh most populated of the United States. To keep up with the rapid growth, the communications industry of the region increased to provide local service. The Monitoring Station is now located in the center of the region.

The radio stations and the newly designated UHF Channel 33 would like to expand their coverage in the region, but they cannot because of the location of the Monitoring Station. Presently, the stations are forced to limit their coverage area to stay within the boundaries of the Monitoring Station. If the station could be moved, the problem would be resolved.

At the present time, a large portion of Dade and Broward Counties cannot receive certain coverage of AM stations in the evening. The radio stations and Channel 33 have been forced by the F.C.C. to reduce their power to avoid interfering with the Monitoring Station. It is unfair to these radio stations and listeners in this area to be subject to this problem because the Monitoring Station is not, by virtue of population growth, where it should be.

The F.C.C. is planning to move the station in the next few months due to the construction of a new interstate highway. Unfortunately, the station currently plans to move the entire operation only a few hundred feet.

The Monitoring Station provides important functions such as helping ships at sea and aircraft in distress. However, it does not have to be located in Broward County to

fulfill its service. In fact, the idea to move the station originally came from F.C.C. personnel that operate the facility.

The radio stations in the area have proposed twelve separate pieces of federal land for the site of the station, but the F.C.C. Field Operations Bureau has rejected each site. F.C.C. officials also claim they lack a Congressional appropriation to make such a move. Yet, the land on which the current site is located is estimated to be worth \$6 million. The logical solution is to sell the existing site and use the funds to move the station to a new unobtrusive location which would enable AM stations in Dade and Broward to expand coverage.

We currently are working on the authorization and appropriations of funds to move this station. We hope the funding may be provided for a move.

We would like the F.C.C. to agree to the following:

- (1) Delay plans to move within the present site for 3 months;
- (2) Meet with Members of Congress and Radio Station representatives from South Florida in the next several weeks;
- (3) Work closely with South Florida stations to find an alternative site; and
- (4) Examine all proposed sites and provide reports on the feasibility of these locations as a site for the Monitoring Station.

We hope you find these suggestions reasonable, and we look forward to your prompt reply on this important matter.

Thank you for your cooperation.

Very truly yours,

E. CLAY SHAW,
DANTE B. FASCELL,
DAN MICA,
LAWRENCE J. SMITH,
WILLIAM LEHMAN,
CLAUDE PEPPER,

Members of Congress.

SUBCOMMITTEE ON TELECOMMUNICATIONS, CONSUMER PROTECTION, AND FINANCE OF THE COMMITTEE ON ENERGY AND COMMERCE,

Washington, DC, June 26, 1984.

Hon. MARK S. FOWLER,
Chairman, Federal Communications Commission, Washington, DC.

DEAR CHAIRMAN FOWLER: I am writing in regard to the FCC monitoring station located in Ft. Lauderdale, Florida. I have been contacted by a Member of the Florida delegation who is concerned about the inability of several Florida radio stations to expand their coverage area while the FCC maintains a monitoring station in the area. A letter from six Members of the Florida delegation, outlining their concerns about the station, was forwarded to your office on June 18.

It is my understanding that the monitoring station is to be moved a short distance in the near future to allow for the construction of an interstate highway. Florida broadcasters believe that this is an opportune time to relocate the FCC monitoring station so that they can expand their coverage area to better serve residents in this area. The current location of the monitoring station has grown from a sparsely populated area, when the station was originally built, to a heavily urbanized area. According to FCC personnel employed at the monitoring station and engineer analyses performed by the Florida broadcasters, moving the station to a less cluttered "RF" environment would allow it to function better than at its current location.

I am concerned about the difficulty the Florida Broadcasters have experienced in resolving this matter with the Commission. For example, twelve alternate sites for the station have been proposed by the broadcasters and other interested parties, yet it appears that the Commission has not carefully studied moving the monitoring station to any of these proposed sites.

Given the information concerning the station's potential increased efficiency at another location, and the current adverse impact on local broadcasters, I believe the relocation of the monitoring facility should be given the most serious consideration and study by the Commission. Toward this end, six Members of the Florida delegation have requested that the Commission delay plans to move the site for three months, and meet with members of Congress and radio station representatives from South Florida in the next several weeks. I am pleased to have learned that the Commission has agreed to meet with these interested parties. I strongly urge your most serious consideration of their requests in order to resolve this matter.

It is imperative that the Commission examine this situation quickly. Otherwise, the monitoring station may be moved only a few hundred feet when it would appear that both the Commission and local broadcasters could benefit from its relocation to a less populated area.

In advance, thank you for your attention to this matter.

With best wishes.

Sincerely yours,

TIMOTHY E. WIRTH,
Chairman.

FEDERAL COMMUNICATIONS
COMMISSION,
Washington, DC, July 18, 1984.

Hon. TIMOTHY E. WIRTH,
Chairman, Subcommittee on Telecommunications, Consumer Protection and Finance, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN WIRTH: This is in response to your letter of June 26, 1984, regarding the FCC monitoring station located in Ft. Lauderdale, Florida.

In response to a letter dated June 18, 1984, signed by Congressmen E. Clay Shaw, Dante B. Fascell, Dan Mica, Lawrence J. Smith, William Lehman and Claude Pepper a meeting was held on June 27, 1984, at the Capitol. Attending that meeting from the Commission were Richard M. Smith, Chief, Field Operations Bureau; Robert W. Crisman, Chief FOB Engineering Division; Jackson F. Lee, Director of Legislative Affairs; and Sue Ann Preskill, Office of General Counsel. Congressmen Fascell, Smith and Lehman and staff members attended as did a delegation of South Florida Broadcasters.

A discussion was held outlining the problems of both this agency and the affected broadcasters. Mr. Smith stated that the FCC would be willing to move the monitoring station if (1) a satisfactory site in South Florida is found, and (2) the Commission receives the necessary funding from the Congress to make the move. At the end of the meeting it was agreed that the broadcasters would assist the Field Operations Bureau in finding a location that would fulfill the Commission's needs. In fact, as of today, a preliminary meeting has been scheduled between a representative of one of the broadcast stations and Mr. Crisman.

I hope this is responsive to your request. Let me assure you that we are anxious to

work with the South Florida Congressional delegation and the broadcasters to attempt a solution to this problem.

Sincerely,

MARK S. FOWLER,
Chairman.

FEBRUARY 11, 1985.

Hon. LAWRENCE J. SMITH,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SMITH: This is in response to the January 31, 1985, meeting with you and your staff members Jonathan Slade and Paul Smith regarding possible relocation of the Commission's South Florida monitoring station from Fort Lauderdale to Vero Beach. Attending the meeting for the Commission were Richard M. Smith, Chief, Field Operations Bureau (FOB), FOB staff members Robert W. Crisman and Lawrence Clance, Thomas Campbell, Office of Managing Director, and Marilyn McDermott, Mass Media Bureau.

As you are aware, the Fort Lauderdale Monitoring Station is one of 13 such facilities in the country whose mission is to monitor the entire radio spectrum, analyze signals to determine technical compliance with U.S. radio laws and international treaties, and use radio direction finding techniques to determine the source of unauthorized and interfering signals. These facilities are relied upon by the U.S. Coast Guard to provide radio direction finding fixes for search and rescue. The locations of these stations were very carefully selected to optimize radio reception and direction finding baselines.¹

Over the past several years, as part of the plan to convert State Road 84, which fronts the Fort Lauderdale Monitoring Station property, to an interstate highway, the Commission reached an agreement with the State of Florida to accept a small parcel of land along the back edge of the property in exchange for the portion of the Commission's property which the state needs in order to improve the highway. Because this exchange would have left the main monitoring building intolerably close to radio frequency ignition noise from automobiles using the highway, the State of Florida provided funding, initially in the amount of \$700,000, to reconstruct the main building and several of the antennas at a location on the property further removed from the highway. Specifications for the new building have been completed, and we are now soliciting bids for construction.

The land which the Fort Lauderdale Monitoring Station occupies and the surrounding area was relatively undeveloped agricultural land when the station was built in 1947. Rapid development in the past few decades has transformed the surrounding area into an affluent suburbia and prime broadcast audience market.

The Commission, for many years, has placed restrictions on licensees in all radio services regarding the maximum amount of radio signal field strength they can transmit over each of our monitoring stations. This is necessary to protect the sensitive receiving equipment from overload due to strong sig-

¹ A direction finding baseline is the geographical distance between any two direction finding stations which can hear a given target signal. For a long range system designed to pinpoint signals anywhere in the world, the baselines must be as long as possible because greatest accuracy is obtained when the baseline distances approach the distance to the target signal.

nals which would prevent reception of the weaker signals we are attempting to monitor and direction find, including emergency or distress calls from ships and aircraft. Unfortunately, it also sometimes prevents broadcasters from being able to reach the greatest possible audience.

The broadcasting community in South Florida has approached the Commission several times in the past few years regarding the possibility of moving the monitoring station out of the more developed Fort Lauderdale area of South Florida. However, the Commission does not presently have funding in its appropriation for such a move. Estimated costs of such a relocation would be on the order of four million dollars, depending upon the site. Aside from the funding problem, no fully suitable alternative sites had been identified until recently.

As a result of a June 1984 meeting with six South Florida Congressmen (including yourself), FCC staff, and several South Florida broadcasters, a task force was formed to identify possible alternate sites. A site that meets Commission requirements has been found near Vero Beach. The enclosed map shows the location of this property. In the meantime, a firm offer has been made to purchase the present Fort Lauderdale Monitoring Station property for 6.8 million dollars.

Therefore, it now appears that the government can acquire property and construct a new monitoring station near Vero Beach for approximately 4 million dollars and sell the present property for 6.8 million dollars, producing a net gain for the Federal Government of nearly 3 million dollars.

The Commission fully supports relocating the South Florida monitoring station to the Vero Beach site. Such a move, due to the less developed conditions in that area, would enhance the overall effectiveness of the Commission's nationwide radio direction finding network. However, without an absolute assurance that the required authorization and appropriations will be provided for this move, it is necessary for us to continue our plans to construct a new building at our current location. Once funding is provided, it will take up to two years to complete a move to the new location. If we do not continue with our present schedule and the road construction is completed before the new building is finished, we run the serious risk of adversely affecting our vital monitoring capability due to the increased level of vehicular ignition noise.

We appreciate your interest and assistance in this matter. If I can be of any further help, please do not hesitate to contact either me or Commission staff members involved.

Sincerely,

MARK S. FOWLER,
Chairman.

Mr. DINGELL. Mr. Chairman, the function of the legislation here would be to authorize movement of a Federal facility. The Committee on Energy and Commerce has not considered this matter and we are much troubled about the consequences of this, particularly from several standpoints. First we are troubled that we cannot ascertain for sure how the movement of the facility can be accomplished with FCC funds without terminating, deferring, or changing FCC programs. We are also troubled that regulatory activities or other matters before that

agency might be adversely affected. We are concerned about the impact of the language of the bill on FCC employees. The function of the amendment is to take into consideration the desirable concerns of the very able gentleman from Florida and at the same time to deal with the questions that we feel are important and should be considered as matters in an appropriate legislative format and proceeding.

□ 1350

The amendment will prevent a number of possibilities that are troublesome, particularly adverse impact on FCC programs; on employees, and on a number of projects which might be terminated or otherwise affected at FCC.

It is our hope that the committee will accept the amendment, and that the very able gentleman from Florida, for whom I have the greatest respect, will find it possible to find our suggestions acceptable in terms of addressing the concerns that he might have and at the same time keeping in mind the concerns that the Committee on Energy and Commerce would have.

I am delighted to yield from my friend from Florida.

Mr. SMITH of Florida. I thank the gentleman for yielding, and I want to commend the gentleman for his cooperative spirit and his ability to find a way out of what was obviously an existing problem for the authorizing committee.

I want to thank him also for the spirit in which he has allowed this to operate when I spoke and dealt with the chairman of the subcommittee that has original jurisdiction on this matter, together with the staff.

I just want to say that I hope as well that this committee will accept the amendment, because I feel it deals with the problems, and I would like to say and I probably will have to seek my own time to let the committee understand why we are doing it on this basis, that this will take care of the concerns raised but also it will allow us to move forward with the project, which would otherwise cost a great deal more money, and that the chairman of the full committee, Mr. DINGELL from Michigan, who has been so cooperative I think understands the value of the project, notwithstanding the fact that technically there might be other ways that he would like to do this, but also that proceeding in this fashion does not authorize any new money; nor does it authorize a new project or a new FCC station, and in addition will have the ultimate effect of saving the Government between \$3 and \$4 million recoupment to the Treasury on the difference between the land which is going to be sold from the old FCC station and the new land

which is going to be the site of the new FCC station.

I would hope that this committee, and I would seek my own time and I want to yield back the balance of the gentleman's time, would allow me to explain, so that possibly Mr. WALKER may reconsider and withdraw his reservation.

I thank, again, the gentleman who has been so cooperative and does such a fine job for the FCC.

Mr. DINGELL. I thank the gentleman.

I yield to the distinguished gentleman from Iowa.

Mr. SMITH of Iowa. I want to say to the gentleman, as chairman of the subcommittee that handled this matter, I had agreed not to fight this amendment, but at that time I did not know the gentleman would come in here on crutches.

Mr. DINGELL. Well, the odds are always, I would observe, against the gentleman from Michigan when I contend with the gentleman from Iowa.

Mr. SMITH of Iowa. Nevertheless, I do think the gentleman's amendment clarifies, the provision in the bill. I want to assure him that we had no intention at any time of crippling the FCC in any of their other operations. What we were trying to do with the provision we put in the bill was just a commonsense approach to earn \$2.5 million for the Government and at the same time let the FCC move to a location that they agree would be a better location. Relocating the Fort Lauderdale Monitoring Station would just be better for everybody concerned, and we are just trying to be accommodative.

Mr. DINGELL. And if the gentleman would permit, without additional cost to the Government.

Mr. SMITH of Iowa. Actually, the relocation was estimated to earn at least \$2.5 million for the Government.

Instead of staying on the present site and building another facility, they can sell the site and the facility for more than they cost to buy a site that is better than the present one, build a new facility, and have \$2.5 million left.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to pursue his point or order?

Mr. WALKER. Yes, Mr. Chairman, I do.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to further reserve his point of order?

Mr. WALKER. Mr. Chairman, I further reserve my point of order.

The CHAIRMAN. The gentleman from Massachusetts is seeking recognition?

Mr. CONTE. I rise in support of the amendment, and I yield to my good friend from Illinois.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. O'BRIEN. I thank the gentleman for yielding, and in addition to the sympathy generated by the crutches, I am inclined to think that there is a certain degree of practicality to this amendment that recommends that we pass it irrespective of the susceptibility of the matter to a point of order.

I support it, and yield back the balance of my time.

Mr. CONTE. I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Pennsylvania now wish to renew his point of order?

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order against the amendment; that it is a violation of clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Michigan [Mr. DINGELL] desire to be heard on the point of order?

Mr. DINGELL. The gentleman concedes the point of order.

The CHAIRMAN. The gentleman concedes the point of order and the amendment of the gentleman from Michigan is out of order.

The Clerk will read.

The Clerk read as follows:

FEDERAL COMMUNICATIONS COMMISSION SALARIES AND EXPENSES

The Federal Communications Commission is authorized to expend such funds as may be required in fiscal years 1986 and 1987 out of appropriations for fiscal years 1986 and 1987 for the Federal Communications Commission, not to exceed \$5,000,000, to relocate its Fort Lauderdale, Florida, Monitoring Station within the State of Florida, to include all necessary expenses such as options to purchase land, acquisition of land, lease-back of the present monitoring station pending acquisition and construction of a new monitoring station, architectural and engineering services, construction of a new monitoring station and related facilities, moving expenses, and all other costs associated with the relocation of the monitoring station and personnel.

The CHAIRMAN. Does the gentleman from Michigan wish to raise a point of order at this point?

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I have a point of order at this point.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. Mr. Chairman, I make the point of order that the provisions of the paragraph starting at line 7 down through line 21 at page 10 is violative of rule XXI, clause 2, in that it constitutes legislation in an appropriation bill.

The CHAIRMAN. Does anyone else desire to be heard on the point of order?

The Chair is prepared to rule.

The gentleman's point of order is well taken, and the Chair sustains the point of order, and that paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

The Federal Communications Commission shall promptly declare the present monitoring station (including land and structures which will not be relocated) excess to the General Services Administration for disposition. The General Services Administration shall sell such property and structures on an expedited basis, including provisions for lease-back as required, and shall compensate the Commission from the proceeds of the sale all costs associated with the relocation of the Fort Lauderdale Monitoring Station to another location, not to exceed \$5,000,000.

POINTS OF ORDER

Mr. DINGELL. Mr. Chairman, I have a point of order on the paragraph at line 22, page 10 through line 6, page 11.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. Mr. Chairman, I make the point of order that this is violative of the provisions of rule XXI, clause 2, in that it constitutes legislation in an appropriation bill.

The CHAIRMAN. Does anyone else wish to be heard on the point of order?

The Chair is prepared to rule. The gentleman's point of order is sustained.

Mr. CONTE. Mr. Chairman, I ask unanimous consent that the rest of the section be considered as read, printed in the RECORD, and open to amendment at any point.

Mr. DINGELL. Mr. Chairman, reserving a point of order against the next two paragraphs, as long as my right so to do is protected, I will not object.

The CHAIRMAN. The point of order is sustained against this paragraph.

The Clerk will read the next paragraph.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I make points of order against the paragraph at lines 7 through 13, lines 14 through 18 at page 11, on grounds that those paragraphs also constitute legislation in an appropriations bill.

The CHAIRMAN. In accordance with the request of the gentleman from Massachusetts [Mr. CONTE] the paragraphs are considered as read.

The Chair will entertain the point of order raised by the gentleman from Michigan.

The Clerk will read.

The Clerk read as follows:

Any excess funds received by the General Services Administration from the sale of the present property, less any funds reimbursed to the Federal Communications Commission, and less normal and reasonable charges by the General Services Administration for costs associated with the sale of the present property, shall be deposited to the general fund of the Treasury.

The authority under this Act with respect to the relocation of the Fort Lauderdale Monitoring Station shall (1) extend through

fiscal year 1987, and (2) be in addition to any limits on expenditures for land and structures specified in the Commission's appropriation for fiscal years 1986 and 1987.

Does anyone else desire to be heard on the point of order?

Mr. DINGELL. Merely, Mr. Chairman, that these two paragraphs do constitute legislation in an appropriations bill, violating clause 2 of rule XXI.

The CHAIRMAN. The gentleman is correct, in the opinion of the Chair. The point of order is sustained, the paragraphs are stricken from the bill.

The Clerk will read.

The Clerk read as follows:

FEDERAL TRADE COMMISSION SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$3,811,000, to remain available until September 30, 1986.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, \$27,601,000 are rescinded.

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business Loan and Investment Fund", \$27,601,000, to remain available without fiscal year limitation.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, \$166,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

WORKING CAPITAL FUND

(RESCISSION)

All funds made available under this head in Public Law 98-411 are rescinded.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$100,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses, general legal activities", \$874,000.

Of available funds under this head, \$470,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

SALARIES AND EXPENSES, ANTITRUST DIVISION

(RESCISSION)

Of available funds under this head, \$65,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses, United States attorneys and marshals", \$11,003,000, of which \$2,065,000 shall remain available until September 30, 1986.

POINT OF ORDER

Mr. KASTENMEIER. Mr. Chairman, I make a point of order against

that part of the paragraph on page 13, lines 17 to 20. The cited language is in violation of House Rule XXI, clause 2(a), which provides that no appropriation be reported in any general appropriation bill for any expenditure not previously authorized by law.

The CHAIRMAN. Does anyone else care to be heard on the point of order?

If not, the Chair is prepared to rule.

The point of order is well taken; the Chair sustains the point of order, and the paragraph is stricken.

The Clerk will read.

The Clerk read as follows:

Of available funds under this head, \$889,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

SUPPORT OF UNITED STATES PRISONERS

In Public Law 98-411 delete the appropriation language under the heading "Support of United States Prisoners" and substitute the following:

For support of United States prisoners in non-Federal institutions, \$53,240,000; and in addition, \$10,000,000 shall be available under the Cooperative Agreement Program for the purposes of renovating, constructing, and equipping State and local correctional facilities: *Provided*, That amounts made available for constructing any local correctional facility shall not exceed the cost of constructing space for the average Federal prisoner population to be housed in the facility, or in other facilities in the same correctional system, as projected by the Attorney General: *Provided further*, That following agreement on or completion of any federally assisted correctional facility construction, the availability of the space acquired for Federal prisoners with these Federal funds shall be assured and the per diem rate charged for housing Federal prisoners in the assured space shall not exceed operating costs for the period of time specified in the cooperative agreement.

FEES AND EXPENSES OF WITNESSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Fees and expenses of witnesses", \$1,300,000, and in addition, \$1,500,000 to be derived by transfer from the Support of United States Prisoners: *Provided*, That of the amount appropriated under the above head for fiscal year 1985, not to exceed \$850,000 shall be available for planning, construction, renovation, and repair of buildings for protected witness facilities.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524, as amended by the Comprehensive Forfeiture Act of 1984, such sums as may be necessary to be derived from the Department of Justice Assets Forfeiture Fund: *Provided*, That in the aggregate, not to exceed \$5,000,000 shall be available for expenses authorized by subsections (c)(1)(B), (c)(1)(E), and (c)(1)(F) of that section.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

(RESCISSION)

Of available funds under this head, \$43,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For an additional amount for "Organized Crime Drug Enforcement", \$635,000.

□ 1400

POINT OF ORDER

Mr. EDWARDS of California. Mr. Chairman, I make a point of order against that part of the paragraph on page 16, lines 4 and 5. The cited language is in violation of House Rule XXI, clause 2.

The CHAIRMAN. Will the gentleman permit the Clerk to read that paragraph?

The Clerk read as follows:

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses", \$2,900,000, to remain available until September 30, 1986: *Provided*, That \$10,000,000 provided in Public Law 98-166 for the relocation of the Washington field office within the District of Columbia shall remain available until expended.

Of available funds under this head, \$3,505,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

The CHAIRMAN. The gentleman from California [Mr. EDWARDS], raises a point of order against this paragraph.

Mr. EDWARDS of California. That is correct, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. EDWARDS of California. Mr. Chairman, the cited language is in violation of House Rule XXI, clause 2(a), which provides that no appropriation shall be reported in any general appropriation bill for any expenditure not previously authorized by law.

The CHAIRMAN. Does any other Member care to be heard on the point of order?

If not, the Chair is prepared to rule.

The point of order is well taken, and the Chair sustains the point of order. The paragraph will be stricken.

The Clerk will read.

PARLIAMENTARY INQUIRY

Mr. SMITH of Iowa. Mr. Chairman, I have a parliamentary inquiry.

What was just stricken? We are not clear about which lines were stricken. Was it just lines 4 and 5?

The CHAIRMAN. The Chair will inform the gentleman that lines 4 through 8 were stricken, the entire paragraph.

Mr. SMITH of Iowa. Mr. Chairman, I think the point of order was against lines 4 and 5.

I ask unanimous consent that we return to that paragraph.

The CHAIRMAN. The Chair was in error on that. It is only lines 4 and 5 that were stricken.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, do I now understand that we struck the \$2.9 million for the antiterrorism program but that we did not strike the

\$10 million for the relocation of the Washington field office?

The CHAIRMAN. The point of order did not cover the provisions of lines 6 through 8. The Chair is going to ask the Clerk to reread that portion of the paragraph.

The Clerk read as follows:

Provided, That \$10,000,000 provided in Public Law 98-166 for the relocation of the Washington field office within the District of Columbia shall remain available until expended.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order against the section of the bill on page 16, lines 6 through 8, that this constitutes an appropriation without appropriate authorization.

The CHAIRMAN. Does any other Member desire to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, this is a reappropriation. I do not believe that point of order would lie.

The CHAIRMAN. The Chair is not aware of any provision of Public Law 98-166 that requires these funds to be available until expended.

Can the gentleman give a citation to that effect?

Mr. SMITH of Iowa. Mr. Chairman, I would say that it is correct that that law does not require that they remain available until expended. The rest of it, however, it a reappropriation.

The CHAIRMAN. Nevertheless, the Chair supports the point of order and rules that it is legislation on an appropriation bill, and that portion of the paragraph will be stricken.

The Clerk will read.

The Clerk read as follows:

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For an additional amount for "Salaries and expenses", \$3,300,000.

Of available funds under this head, \$876,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

The appropriation under the heading "Salaries and expenses" in Public Law 98-411 is amended by inserting the following before "": *Provided*: "and of which not to exceed \$6,586,000 for construction shall remain available until expended".

Of available funds under this head, \$947,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS AND RESCISSION)

For an additional amount for "Salaries and expenses", Federal Prison System, \$900,000, and in addition, \$2,183,000 to be derived by transfer from "Support of United States Prisoners".

Of available funds under this head, \$451,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

BUILDINGS AND FACILITIES

(RESCISSION)

Of available funds under this head, \$13,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

Of the unobligated funds available under the "Justice assistance" account for the Juvenile Justice and Delinquency Prevention Act, \$800,000 shall be made available for Emergency Federal Law Enforcement Assistance authorized by Public Law 98-473, notwithstanding the provisions of sections 222(b), 223(b), and 228(e) of title I of the Juvenile Justice and Delinquency Prevention Act, as amended.

AMENDMENT OFFERED BY MR. BREAUX

Mr. BREAUX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BREAUX: On Page 18, line 4, after the period, insert:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for "Payment to the Legal Services Corporation" for a grant for the establishment of the Gillis W. Long Poverty Law Center at the Loyola University School of Law in New Orleans \$4,000,000 to remain available until expended.

Mr. BREAUX. Mr. Chairman, and my colleagues, it is a rare opportunity indeed when we have occasion to honor one of our departed colleagues after having served this body and this institution and this country for a number of years, outstandingly I might add, by approving a project which also serves not only the memory of our colleague, Gillis Long in this case, but also serves a real need, that being the poor of the United States of America.

The money that is being appropriated in this bill will go toward establishing the Gillis W. Long Poverty Law Center at Loyola University in Louisiana. Loyola University has already purchased a physical plant as a facility for the sum of nearly \$11.9 million. In addition, it is going to take about an additional \$8 million to complete the facility, to complete construction and to complete the library and educational equipment, as well as the renovation to the facility.

Loyola has also embarked upon a fund-raising drive and there is allocated from the university an additional \$2 million over and above the purchase cost of \$11.9 million. The university has established a fund-raising effort to provide additional funds. This is a one-time \$4 million grant which will provide for the funding of the renovation of the law school facilities.

It is important to note that the Government and the people of the United States, in addition to honoring the memory of our departed colleague, will get something very substantial

and very tangible, and that is at least 160,000 legal service hours of work being contributed by the students and by the lawyers at the university toward working on programs that would benefit the poor not only of Louisiana but, of course, throughout the entire Nation.

Under this formula, the one-time Federal grant of \$4 million would produce a favorable in-kind reimbursement period of less than 5 academic years, as I have just outlined for the benefit of our Members.

So, Mr. Chairman and Members, I would ask support for this amendment. I think it is only appropriate, in the sense that it can be justifiable from an expenditure standpoint, but, as I have indicated, it is not very often that we get the opportunity, to honor a departed colleague for the work that he has done while he was here and at the same time really make a very positive contribution to the practice of law and to the defense of people who for so long have not been adequately defended.

Mr. O'BRIEN. Will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Illinois.

Mr. O'BRIEN. I thank the gentleman for yielding.

Mr. Chairman, in addition to the benefits and substance of the amendment, it is entirely proper, it seems to me that we do this in memory of a highly honored and distinguished Member of this body who did nothing but bring credit to the rest of us.

Mr. BREAUX. I thank the gentleman for his comments. It is certainly my privilege and pleasure to offer the amendment and also to have our former colleague's wife with us, Mrs. CATHY LONG, who now sits with us as a Member of this distinguished body, also supporting this legislation.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman on his statement and I am pleased to have the opportunity to join my fellow Louisianians in supporting this amendment to help fund the Gillis W. Long Poverty Law Center at Loyola University in New Orleans.

Throughout his life, our departed colleague, Gillis Long, always displayed great concern and compassion for the underprivileged of our Nation. Although we were of different political and philosophical persuasions, both he and I, as former practicing attorneys, were aware of the need for the availability of adequate legal services for the less affluent as well as for those more fortunate. Therefore, I am pleased that Loyola University has provided an opportunity to honor

Gillis' memory by directly assisting the poor and elderly of Louisiana with their legal needs.

This amendment, which provides \$4 million in seed money to Loyola University to establish the Gillis Long Poverty Center, will go a long way in assisting the needy and elderly by allowing law students and practitioners to provide quality legal services at no cost to the recipient.

Loyola University is already working with the American Bar Association, the Louisiana Bar Association, and the New Orleans Bar Association to promote the active involvement of private lawyers in providing pro bono services to the poor. In addition, Loyola has established a well deserved reputation for assisting the New Orleans community by providing legal services to many in the area through their well organized and effectively operating law clinic.

Through this program, third year law students are given the opportunity to serve clients and hone their legal skills by providing supervised legal services to needy clients on a regular basis. The additional funds provided in this amendment will enable Loyola to significantly expand these current operations.

As a representative of the greater New Orleans area I hope the House will support this funding to honor Gillis by allowing Loyola to expand its facilities and its legal services beyond the New Orleans area to the rest of the State and to the Eighth District of Louisiana which Gillis' widow, and our colleague, CATHY LONG now represents. Meeting the legal assistance needs of the rural residents and rural poor of Louisiana will be a most fitting tribute to Gillis who devoted decades of service to the poor.

□ 1410

Mrs. BOGGS. Mr. Chairman, I rise in support of the amendment.

Mrs. BOGGS. Mr. Chairman, as one who has worked with this project since its inception and as a cosponsor of the gentleman's amendment, there are several points regarding the intent of this amendment establishing the Gillis W. Long Poverty Law Center that should be clarified.

It is the intent of the sponsors of the amendment that the Long Poverty Law Center will act as a demonstration and dissemination project in the development and dissemination of student educational materials, continuing legal education materials, and other printed and video materials developed to train both students and practitioners alike in the provision of legal services to Legal Services Corporation eligible clients.

To accomplish this, it is my understanding that the Loyola University School of Law will produce a variety

of skills development video tapes and booklets as well as specific training and legal manuals for clinic students and pro bono private attorneys to assist in the provision of quality services to clients on a national basis. In addition, the university, under the auspices of the Gillis W. Long Poverty Law Center, will regularly conduct continuing legal education seminars which will be taped for national distribution to universities and State and local bar associations.

Another intent of the sponsors is that this grant be restricted to LSC eligible clients and LSC legal issues, that is civil law. It is my understanding that Loyola University has agreed to guarantee that intake and counseling will be given to all potential clients and a determination will be made as to the eligibility of the client in terms of financial and case eligibility prior to providing any legal services. Any clients served in areas of non civil law; that is criminal law, who do not meet the LSC financial guidelines will be served only at the University's expense.

This grant from the Legal Services Corporation to fund the Gillis W. Long Poverty Law Center should be maintained in a separate and unique account by the recipient. Only activities which meet the program and funding criteria established by the Corporation would be funded through this account. All other activities, such as criminal legal representation, should be funded through the School of Law's University-provided funds.

LSC regulations establish certain fund balance restrictions for the expenditure of grants. It is not the intent of the sponsors of this amendment that the grant herein authorized be subject to such limitation. Rather, it is our intent that these funds be expended over a multiyear period.

Finally, it is not the intent of the sponsors of this amendment that the grant herein authorized in any way effect the funding of Legal Services Corporation providers in Louisiana, that is, these funds would not be considered in the allocation of census-based funds to the State.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am sympathetic with the purpose of this amendment. I do want to point out, however, that we have had a law school, at least one in Iowa, that has been doing this for 4 or 5 years, and I do not think we should in colloquies here decide the parameters and limitations that they are going to operate under. That is something that we will have to decide in a more legislative way. We will do that in conference or before we get this bill out of conference.

I think that the purpose is obviously a good purpose; I am very sympathetic to it, but I think that we should real-

ize that the rules under which the grant would be made will be determined either in the legislation adopted in conference or the report of the managers.

Mrs. LONG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the members of the Rules Committee, especially Chairman PEPPER, for making it possible for this amendment to be offered today. I also want to thank my dear friends LINDY BOGGS and JOHN BREAU, and the entire Louisiana delegation, for all their hard work in bringing this important matter before the House.

The Poverty Law Center, at Loyola University in New Orleans, which was dedicated in the memory of my husband, Gillis, will be an extremely valuable educational institution. The center will train young lawyers how best to help those least able to help themselves in our society. It is so fitting that such an institution should bear the name of Gillis W. Long, whose primary commitment throughout his career was to serve the less fortunate among us.

The Gillis W. Long Poverty Law Center, with the help of the funding being requested today, will provide both clinical education and community service. Law students will be trained in the legal disciplines which are of special importance to the poor—civil rights, elderly law, family law, housing and equal employment rights, and entitlements. As seniors, students will provide legal services to the poor. In addition, through the center's continuing legal education and pro bono advocacy and coordination activities, thousands of free or reduced fee client hours will be provided to Louisiana's poor.

Mr. Chairman, I commend Loyola University for its outstanding record of community service, and am confident that the Long Poverty Law Center will help to expand the range of desperately needed services available to those in need. I ask that my colleagues join me in supporting this worthy effort.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of the amendment that has been offered by the ranking Member of the Louisiana delegation and the gentlewoman from Louisiana.

As one who came into this body under the tutelage of Gillis Long, I believe that this measure is particularly important, and particularly appropriate. Gillis Long was an American and a Member of this House who was committed to people; committed to the poor; committed to the young; committed to students; committed to education, and most of all, committed to

justice for all Americans and all people.

In that sense, we could, perhaps, take no more appropriate action, and Loyola could take no more appropriate action than naming in the honor of Gillis Long their Poverty Law Center.

Mr. Chairman, I would hope that we would adopt this unanimously. Not only as has been so ably stated by the gentlewoman from Louisiana and the dean of the Louisiana delegation, in honor of Gillis Long, but as importantly, in honor of the values and principles for which Gillis Long fought his entire life.

I am pleased, Mr. Chairman, to rise in strong support of this amendment.

□ 1420

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. BEVILL. Mr. Chairman, I rise in support of this amendment. I think it is very appropriate to honor our distinguished colleague, Gillis Long, who was such a great American and an outstanding Member of this body.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly support this amendment.

I knew Gillis Long from the time he first came to the Congress, and appeared before him at the Committee on Rules many, many times with my chairman, JAMIE WHITTEN. He was always a true gentleman, and he always did his homework. He knew the issues that came before the Rules Committee, and he knew them well. But above all, he loved and served his district and he loved and served the people of the State of Louisiana.

He was a great friend and he will be sorely missed. This is a great tribute to him and I am pleased to support this amendment.

● Mr. BIAGGI. Mr. Chairman, I rise to lend my full support for the Breau amendment which would establish the Gillis Long Poverty Center at Loyola University School of Law in New Orleans, LA.

I can think of no more fitting, appropriate, or meaningful tribute we could pay to our late and distinguished colleague than to designate this center in the city and State he loved so dearly and to which he gave so many years of his life in public service.

For those of us who served with Gillis, we know that the House of Representatives is a lesser institution since the passing of Gillis Long. We lost one of our most dedicated and effective Members with his untimely passing. We lost a colleague who was renowned for his commitment to helping the poor, disadvantaged, and the elderly. These are the same people who would

be served by those who would attend the Gillis Long Center.

As we proceed with this amendment, let us remember who it is we honor with it. We honor a great man and public servant. We honor a good friend to so many of us. We pay tribute in a tangible fashion to those causes that Gillis championed so well in his career in this House. To his widow and successor in the House, CATY, I am honored to support this amendment which brings justice to this House by acknowledging one of our most able colleagues.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. BREAU].

The amendment was agreed to.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I waited until we have finished with that last amendment because I did not want my words to suggest that Members ought not to vote for it. But I am reminded that just before we authorized \$4 million for that worthy cause we knocked out on points of order, \$2.9 million of additional salaries and expenses for the Federal Bureau of Investigation, which is a request by the administration to have the domestic antiterrorism project go forward and just prior to that we sustained a point of order which knocked out the increase for U.S. attorneys.

Now, some people say why should we be increasing funds in a supplemental in those areas?

Last year on this floor, in a frenzy to make sure that we all got in front of the crime issue before the elections, we passed, after traveling a rather circuitous route, the largest crime package in the history of the United States. We authorized in a bankruptcy bill an addition of 85 judgeships around this country.

The fact of the matter is, if we are going to have 85 new judges, if we are going to have a significantly expanded Federal law enforcement operation, and if we are going to have an expanded domestic antiterrorism project in this country, and we are going to man it, it is going to cost money. But we just blithely had points of order, which were certainly appropriate under the rules, and knocked those figures out. Then we rush to another amendment to appropriate \$4 million for a study project in memory of one of our departed Members.

I would just suggest that at some point in time we ought to establish priorities. Fighting crime is more than talking about it on the floor. Fighting crime is more than pointing your finger at the administration and saying they are not doing enough. Fighting crime is more than saying we need additional personnel. Fighting crime is more than complaining that

the administration is not putting enough white-collar criminals behind bars. Fighting crime is more than complaining that what we are doing is giving light sentences out to Federal offenders because we do not have enough U.S. attorneys available to prosecute those cases.

Fighting crime is more than establishing a new parole law which requires new personnel in order to enforce it, and then not furnishing that new personnel or the wherewithal to proceed.

So maybe we followed the rules. Those additions have not been authorized by the Committee on the Judiciary, of which I am a member, and so we have made sure that that waiver was not appropriate. Yet it just seems, strange to me, in a week when our newspapers and our nightly newscasts are filled with questions about domestic sabotage and espionage and terrorism, we have made sure that we have kept a tidy package here by not allowing funds to go forward because they have not been authorized by that committee.

It bothers me very deeply, because crime is an important question. The need for U.S. attorneys is absolutely there, it is proven. The need for additional personnel to assist and beef up the FBI is there. And as much as I will rail about increases in other areas in a supplemental, if we are going to put these other increases forward, then we ought to be very, very serious about what our priorities are.

Mr. EARLY. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I would be happy to yield to the gentleman from Massachusetts.

Mr. EARLY. I thank the gentleman for yielding.

Mr. Chairman, I could not agree with the gentleman more. We just struck \$2.9 million from domestic terrorism, to me one of the gravest threats we have upon this country. We are going to have to wait until the instance occurs, and then we are going to correct it rather than prevent it.

The gentleman was wrong when he suggested that it was an increase. The FBI has spent this much money in 1982, 1983, and 1984, despite the fact that this Congress has not given them the money. They have transferred it from other areas, from drugs and narcotics, from white-collar crime, but the Judiciary authorizing committee that does not come forward with a bill and makes this happen year in and year out certainly, to me, is very discouraging.

We just recently had an arrest in domestic terrorism in which we have 30 groups parading in this country on the left and on the right, very radical groups, doing this and doing that. We just had a group that was arrested this past week in which, in her apartment,

the FBI seized files of a self-proclaimed revolution containing detailed plans to bomb areas of the Old Executive Office Building in the White House complex, and also to bomb several other Federal buildings, the particular group that blew up the U.S. Senate, and we are going to strike that money on an ego trip. I certainly agree with the gentleman.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has expired.

(On request of Mr. WALKER and by unanimous consent, Mr. LUNGREN was allowed to proceed for 2 additional minutes.)

Mr. LUNGREN. I thank the gentleman for his remarks. It is not my intention to point the finger at one committee or the other in this. My concern is that following the procedures that we have here, a point of order was sustained. It was offered, in the first place, and then sustained, and thereby had the effect of which the gentleman speaks.

It bothers me very deeply at a time when we have a unique, acute problem with respect to domestic terrorism, when we have problems with respect to domestic espionage, when we have problems with respect to white-collar crime, when we pass legislation that is supposed to deal with these things we do not then come along and do our duty and pass the funds that are necessary and create the positions that are necessary to enforce it.

We are creating paper tigers here in the area of law enforcement. We have had a lot of bombs thrown here by Members on both sides of the aisle at this and other administrations for not doing enough. But here as we go blithely through our job in making sure we take care of water projects and other things, we forget about this. I just cannot understand it. To me, it is absolutely unconscionable.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I would be happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I do want to point out that it was a very targeted point of order as well, because under this section, what was done was the antiterrorism program was stricken, despite the fact that there was a provision right next to that that was also eligible to be stricken from the bill which provided for a new building.

So the sense of priorities was that we were going to get rid of the terrorism program and keep the new building. I rose and made the point of order against the new building, too, but I must tell the gentleman that when the point of order was made against the terrorism program, it was a very tar-

geted one. It was not because we were worried about all of the expenses of the FBI building. We were perfectly willing to give them a new building, but strike out the antiterrorism program, and I agree with the gentleman. That sense of priorities is a little disturbing.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentleman from California and the gentleman from Massachusetts, my good friend, Mr. EARLY, for these observations.

This is not the first time this has happened. Let me go back to last year. It was during the recommittal motion on the continuing resolution that I teamed up with the gentleman from California and got the crime bill added to that resolution.

But the Committee on Appropriations is getting penalized time and time again. I am sorry to say my good friend from Pennsylvania [Mr. WALKER] is part and parcel of it because he raises a lot of these points of order. We do not like to put authorizations and legislation in appropriations bills, but the legislative committees are not doing their work. They are not reporting their bills. If they had reported out an authorization bill for the Department of Justice, then a point of order would not lie against this funding to combat domestic terrorism. Mind you, we are going to have a lot of this coming up. We have 13 appropriation bills waiting in the wings to come on the floor of the House, and I do not know of many authorization bills that have passed the House this year. We have been dragging our feet, as you know. We got the budget resolution through, and a few other little things, but very few authorization bills.

Yet we are going to have to try to do our work, to bring our appropriation bills out here, and the authorizing committees are going to be raising points of order on essential items, like this domestic terrorism. It really is a crime to take that out of here.

□ 1430

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from California.

Mr. LUNGREN. Mr. Chairman, as a member of one of the authorizing committees, I understand the reluctance to allow the Appropriations Committee to go beyond what we have done. But in this case it just seems to me that when there would be a consensus on this, without any doubt we ought to enforce what we passed last year with manpower and money. Yet when we understand that there is a severe need to try to combat domestic terrorism, we still do not make any ex-

ception. We made all sorts of exceptions in the rule that we passed earlier today, we waived all sorts of points of order, but for some reason these points of order were allowed to remain. I do not understand it.

It just seems to me that it would be awfully difficult to go back home and explain why we have some of these things in here and why certain amendments are being brought forward, but yet we cannot spend the time to find \$2.9 million for an antiterrorism campaign. One would think that would be the first thing we would want to do here. But we cannot spend the time to have enough prosecutors to enforce the law we have passed. We are having light sentences that are carried out right now because we do not have enough prosecutors. If we do not prosecute the cases within the time required, those people go free. That is just unconscionable, and it is the responsibility of this House.

Mr. Chairman, I want to thank the gentleman for his work. It is not a partisan matter. This is bipartisan. It is something we should have taken care of, and we ought to take care of it as soon as we can.

Mr. CONTE. Mr. Chairman, I will tell the gentleman a little secret. We are going to work like heck with the Senate to put this back in. We will be in that conference.

Mr. LUNGREN. If you do not tell anybody, I will not tell anybody.

Mr. CONTE. Let us not tell anybody. We will protect it. We will get it in there. They just won the battle, but they will not win the war.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Let someone might misunderstand the record here, let me point out that the Appropriations Committee and the subcommittee I am privileged to chair are in no way whatever responsible for what the gentleman is complaining about. To start with, there would not even have been a comprehensive crime bill if there had not been a section added to our appropriations bill last year. That 600-page crime bill was passed as a part of the continuing resolution on appropriations last fall.

Now, we do not like to be in this position. The subcommittee I chair brought to the floor more than is authorized even though it was less than the administration requested. We held the hearings. But we do work with the Judiciary Committee, and actually we included in this bill, as the gentlemen can see, more than was protected under the rule because they permitted striking out some of the funding we included.

With regard to the statement of the gentleman from Pennsylvania, if I might have his attention, with regard to the striking of the particular part of that paragraph but not the rest, I

might point out that there are a number of places in this bill where our subcommittee has made money available into the next fiscal year. It does not change the amount of money available in the case of the field office being moved. That money is still going to be available, but if we do not have those other words extending the availability for a year, they have to spend it by the 1st of October, and that is not a very efficient way for them to proceed. They would be better off if they had the extra time down there at the Washington field office to make their relocation.

That is the reason why in this bill we have in several instances included the authority to give them some extra time in those instances where it would be better for them to have extra time instead of trying to rush out and spend the money by the 1st of October. It does not change the amount of money available. It just means they will have an opportunity to use the money more efficiently.

So I just want to make clear in the record that we are trying to work with the Judiciary Committee, and the appropriations subcommittee is doing all we can to provide for these needs the gentleman from California mentioned.

Mr. BROYHILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise with the intent of asking the gentleman from Michigan [Mr. CARR] if he could share with me some of the committee's intent with respect to language found on page 27 in the committee report that is spelling out the intent of the committee with respect to the Federal Communications Commission's authority to approve additional International Satellite Communication services.

I share with the gentleman from Michigan his view that our Government should comply with the requirements that have been imposed on it by Presidential Determination No. 85-2, as well as those requirements that we have under the Intelsat agreement. However, I am concerned about whether it is necessary or wise to impose significant additional requirements on our Government.

My concern about this report language accompanying the bill is that it may be ambiguous, and it could be read to impose burdensome new requirements on our Government that are not necessary to protect any public policy.

I wonder if the gentleman would share with us his views and be willing to clarify this language so we can be sure that it does not impose substantial and time-consuming new requirements on our Government or on agencies of our Government.

Mr. CARR. Mr. Chairman, if the gentleman will yield, I would be most

happy to listen to the gentleman's concerns and to clarify the meaning of the report language.

Mr. BROYHILL. I thank the gentleman.

Mr. Chairman, on the one hand, this report language purports to codify the timing for the issuance of permits that are specified in Presidential Determination No. 85-2, even though we recognize that that determination that was made by the President says nothing about the timing for the issuance of those permits. On the other hand, the report language could be read to prohibit the FCC from issuing any kind of permit unless the Secretary of State has found that the Intelsat coordination process has been completed.

Mr. Chairman, I am asking if the gentleman could clarify this report language as it relates to the timing of the issuance of permits.

Mr. CARR. Mr. Chairman, I would be most happy to do so.

Our committee does not intend to oppose the FCC issuing a limited kind of permit prior to the initiating of coordination. In fact, we recognize that the failure to permit the issuance of a permit in advance of coordination might permanently frustrate the development of competition if H.R. 2068 becomes law as it has passed the House last month.

Under section 128(b)(2) of that bill, the U.S. Government may not begin coordination with Intelsat until at least one foreign authority has entered into an operating agreement with an applicant. Our committee understands that foreign authorities might refuse to enter into such agreements with an applicant until the FCC has issued that applicant some kind of permit enumerating their qualifications.

While the committee has no objection to the FCC issuing a permit prior to the initiation of coordination, our committee does believe that permits should explicitly preclude permittees from expending substantial financial resources on the construction or purchase of satellites and satellite equipment, ground link equipment, prior to the time that the Secretary of State advises the FCC that Intelsat coordination has been completed.

A bar is necessary, in our view, on the expenditure of substantial resources on construction or purchase of equipment prior to the conclusion of coordination to avoid giving permittees unfair leverage during the coordination process. In the absence of this bar, our committee believes the permittee might spend tens of millions of dollars on the construction or purchase of equipment for its system prior to the completion of coordination and then turn around and argue during coordination or a further permit process by national or international agencies that they must push

ahead on the precise terms and conditions proposed by that permittee in order to avoid severe economic stress and loss to that permittee.

Mr. Chairman, I believe the gentleman and I are in substantial agreement on the concepts, and I regret any inconvenience the perhaps inartful drafting of any language might have caused in leading to a misunderstanding on these points.

□ 1440

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. BROYHILL] has expired.

(By unanimous consent, Mr. BROYHILL was allowed to proceed for 1 additional minute.)

Mr. BROYHILL. Mr. Chairman, I want to thank the gentleman from Michigan for his cooperation.

I would like the record to reflect clearly my view, at least, that by passing the State Department authorization a couple weeks ago this House has shown that it does support the proposition that companies ought to be given an opportunity to compete with Intelsat. They must go through the process, of course, that is spelled out in the committee report; but while we do believe that the United States should fully comply with all the obligations that are imposed on it by law in the licensing of these new satellite systems; my concern is that those legal requirements could be used merely to delay competition or to assure that there would never be any competition.

My view is that we do expect the FCC and the administration to move expeditiously to fulfill the legal requirements that must be met as a prerequisite to the licensing of new satellite systems so that consumers can begin to benefit from these new services as soon as possible.

Mr. O'BRIEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to elaborate briefly on the remarks of the gentleman from Michigan [Mr. CARR] and the gentleman from North Carolina [Mr. BROYHILL], let me point out that the committee had some disagreement on this issue; the point is that we were concerned that American competition was not being given an opportunity to show its strength and to flex its muscles in the private sector of this portion of the communications world. We were concerned that we were placing too many constraints as roadblocks, that would tend to destroy the opportunity for American companies to get into this particular business, much in the manner that other nations have helped their own companies.

I only suggest that I am glad we are working on it. I do not find it comfortable to be at odds with my colleague from Michigan, but I can assure the

Chair that the two of us will try to grind something out that will be satisfactory to the gentleman and, indeed, to the people who hold the view I do.

Mr. CARR. Mr. Chairman, will the gentleman yield?

Mr. O'BRIEN. I would be happy to yield.

Mr. CARR. I would just like to say in further response to the gentleman from Illinois, a good friend of mine, and the gentleman from North Carolina [Mr. BROYHILL] that it has never been at any time our intent to be vexatious or cause a delay of applicants wishing to compete. Merely we felt that there needed to be some ground rules well established prior to the commencement of the application process.

I renew the pledge to the gentleman from Illinois that I have made repeatedly, that if we can work together with the Chairman of the Federal Communications Commission and the Assistant Secretary of Commerce to develop language which better describes what I think we all intend, I would be happy to work with the gentleman to see that that is included in the conference committee report.

Mr. O'BRIEN. Mr. Chairman, I appreciate the gentleman's comments and I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RELATED AGENCIES

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Commission on the Bicentennial of the United States Constitution, authorized by Public Law 98-101 (97 Stat. 719-723), \$331,000 to remain available until expended: *Provided*, That the Department of Justice shall be reimbursed for all salaries and other expenses incurred by the Department directly related to the establishment of the Commission.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

In the appropriation language under the above head in Public Law 98-411, the amounts earmarked are revised as follows: hearings, legal analysis and legal services are increased to \$2,063,000; publications preparation and dissemination is decreased to \$747,000; Federal evaluation is decreased to \$1,011,000; and, the clearinghouse library is decreased to \$397,000.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS AND RESCISSION)

For an additional amount for "Salaries and Expenses", \$73,342,000, and in addition, \$13,779,000 to be derived by transfer from "Contributions to International Organizations", to remain available until September 30, 1986.

Of available funds under this head, \$2,432,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For an additional amount for "Acquisition, Operation, and Maintenance of Buildings Abroad", \$167,579,000, to remain available until expended.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

(SPECIAL FOREIGN CURRENCY PROGRAM)

For an additional amount for "Acquisition, Operation, and Maintenance of Buildings Abroad (Special Foreign Currency Program)", \$2,000,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for "Emergencies in the Diplomatic and Consular Service", \$2,000,000, to remain available until expended, for rewards for information concerning terrorist acts in accordance with section 86, State Department Basic Authorities Act of 1956, as amended (Public Law 98-533).

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to the Foreign Service retirement and disability fund", \$5,399,000.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY
ARMS CONTROL AND DISARMAMENT ACTIVITIES

For an additional amount for "Arms Control and Disarmament Activities", \$3,946,000.

BOARD FOR INTERNATIONAL BROADCASTING
GRANTS AND EXPENSES

For an additional amount for the Board for International Broadcasting, "Grants and Expenses", \$13,753,000: *Provided*, That notwithstanding section 8(b) of the Board for International Broadcasting Act of 1973, as amended, the amounts placed in reserve, or which would be placed in reserve, in fiscal year 1985 pursuant to that section, shall be available to the Board for carrying out that Act until September 30, 1986, of which (1) \$4,900,000 shall be for the purpose of upgrading the pension benefits of pre-1976 Radio Free Europe/Radio Liberty retirees and widows; and (2) the balance shall be applied toward the Radio Free Europe/Radio Liberty capital modernization plan.

UNITED STATES INFORMATION AGENCY
SALARIES AND EXPENSES
(RESCISSION)

Of available funds under this head, \$3,879,000 are rescinded.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

Of the funds made available under this head in Public Law 98-411, \$3,800,000 for the pilot Central American Undergraduate Scholarship program shall remain available until September 30, 1986.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for "Acquisition and Construction of Radio Facilities", \$6,648,000, to remain available until expended.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES
CARE OF THE BUILDING AND GROUNDS

Funds appropriated under this head in the Second Supplemental Appropriations Act, 1984 (Public Law 98-396), for the installation of security systems, shall be made

available also for the acquisition and installation of additional communications equipment by the Office of the Marshal, Supreme Court of the United States: *Provided further*, That said equipment shall be under the jurisdiction of and maintained by the Office of the Marshal after its installation.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For an additional amount for "Salaries of judges", \$3,098,000, to remain available until September 30, 1986.

SALARIES OF SUPPORTING PERSONNEL

For an additional amount for "Salaries of supporting personnel", \$5,548,000, to remain available until September 30, 1986.

DEFENDER SERVICES

For an additional amount for "Defender services", \$21,992,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners", \$1,700,000, to remain available until expended.

EXPENSES OF OPERATION AND MAINTENANCE OF THE COURTS

(INCLUDING RESCISSION)

For an additional amount for "Expenses of operation and maintenance of the courts", \$13,526,000, of which \$11,300,000 is to remain available until expended.

Of available funds under this head, \$4,417,000 are rescinded.

SPACE AND FACILITIES

For an additional amount for "Space and facilities", \$2,384,000, to remain available until September 30, 1986.

COURT SECURITY

For an additional amount for "Court security", \$1,492,000, to remain available until September 30, 1986.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$86,000.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$51,000.

RELATED AGENCY

UNITED STATES SENTENCING COMMISSION
SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$2,350,000, to remain until available expended.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that the balance of chapter II be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against the remainder of chapter II?

If not, are there any amendments to the remainder of chapter II?

The Clerk will read chapter III.

The Clerk read as follows:

CHAPTER III

DEPARTMENT OF DEFENSE—
MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

From funds previously appropriated and made available under this heading in other Appropriation Acts, the Secretary of the Navy may make payments of not to exceed \$1,500,000 for expenses of the Commission on Merchant Marine and Defense as authorized in section 1536 of the Department of Defense Authorization Act, 1985 (Public Law 98-525).

PROCUREMENT

AIRCRAFT PROCUREMENT, NAVY

(TRANSFER OF FUNDS)

Of the amount available to the Department of Defense within the "Shipbuilding and Conversion, Navy, 1982/1986" appropriation, \$240,000,000 shall be transferred to the "Aircraft Procurement, Navy, 1985/1987" appropriation for the modification of A-6E aircraft.

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKS: On page 24, line 19 add the following new language:

"Such funds shall be made available for this purpose only after the enactment of appropriate authorizing legislation."

Mr. DICKS. Mr. Chairman, this was inadvertently not included.

I yield to the distinguished chairman of the Defense Subcommittee.

Mr. ADDABBO. Mr. Chairman, I thank the gentleman for yielding.

We have no objection. It makes the funding subject to authorization, which makes it more legal.

Mr. DICKS. Mr. Chairman, I also yield to the distinguished ranking Republican member of the committee, the gentleman from Pennsylvania [Mr. McDADE].

Mr. McDADE. Mr. Chairman, I thank my colleague for yielding. The gentleman has shown us the amendment. We think it is very constructive and we have no objection on this side of the aisle.

Mr. DICKS. Mr. Chairman, I just want to make it very clear that this was done at the behest of the Armed Services Committee and is done with their full understanding and cooperation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. DICKS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL PROVISION

Funds made available for the Civil Air Patrol pursuant to section 8089 of the Department of Defense Appropriation Act of 1985 (Public Law 98-473) may be used to reimburse the Civil Air Patrol for costs incurred in procuring such major items of equipment as the Secretary of the Air Force

considers needed by the Civil Air Patrol to carry out its missions.

AMENDMENT OFFERED BY MRS. HOLT

Mrs. HOLT. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mrs. HOLT: On page 24 of the bill, line 20, strike out "provision" and insert "provisions". On page 25 of the bill, after line 2, insert the following new provision:

Section 8091 of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473; 98 Stat. 1940) is amended by striking out "On or after June 30, 1985" and inserting in lieu thereof "After September 30, 1985".

Mrs. HOLT. Mr. Chairman, the amendment I am introducing is designed to ensure a smooth transition to the new Dental Officer Special Pay Program contained in the fiscal year 1986 Defense authorization bill as reported from the House Armed Services Committee.

Dental officer continuation pay is a payment to military dentists in critical specialties who execute an agreement to remain on active duty for at least 1 additional year. Section 8091 of last year's Department of Defense Appropriations Act provided that, for agreements to remain on active duty executed after July 1, 1985, dental officer continuation pay would be cut in half for dental specialties manned at 95 percent or more. The intent of this provision was to force the Department of Defense to submit a legislative proposal to replace dental officer continuation pay with a Dental Officer Special Pay Program modeled on the Doctor Special Pay Program enacted by Congress in 1980. The July 1 date was picked in order to give the authorizing committees—the House and Senate Armed Services Committees—time to enact the new program.

During its deliberations on the Defense authorization bill this year, the House Armed Services Committee reworked and improved the Department's legislative proposal. The Defense authorization bill was originally scheduled for House action before the Memorial Day recess but was pulled from the calendar due to other legislative priorities. Because of the delay in getting to the floor this year, the July 1 date will be upon us before final congressional action is completed on the authorization bill.

I am, therefore, introducing this amendment to ensure a smooth transition between the old continuation pay program and the new dental special pay plan. My amendment simply extends the current program through September 30, 1985. The amendment will make certain that no military dentists are penalized financially as a result of legislative delays in getting the replacement special pay program enacted.

Mr. ADDABBO. Mr. Chairman, will the gentlewoman yield?

Mrs. HOLT. I am happy to yield to the distinguished gentleman.

Mr. ADDABBO. Mr. Chairman, we have no objection. We believe it is a good amendment.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mrs. HOLT. Yes, I am happy to yield.

Mr. McDADE. Mr. Chairman, I want to congratulate my colleague on the amendment. We think it is excellent and we have no objection on this side of the aisle.

Mrs. HOLT. Mr. Chairman, I thank both gentlemen, and I ask for adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Maryland [Mrs. Holt].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER IV DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by State, local governments, or private groups) authorized or made available for selection by law (by such studies shall not constitute a commitment of the Government to construction), to remain available until expended, \$148,500,000 of Construction, General funds and \$1,500,000 of Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee funds; of which \$23,000,000 shall be derived from the Inland Waterways Trust Fund; except that the Chief of Engineers is directed to proceed with planning, design, engineering, and construction as described in the accompanying report of: Fort Toulouse, Alabama; Mobile Harbor, Alabama; Moundville, Alabama; William Bacon Oliver Lock and Dam, Alabama; Eight Mile Creek, Arkansas; Fairfield Vicinity Streams, California; Merced County Streams, California; Oakland Inner and Outer Harbor, California; Pajaro River, California; Richmond Harbor, California; Sacramento River Deep Water Ship Channel, California; San Luis Rey River, California; Fountain Creek at Pueblo, Colorado; Dade County, North of Haulover Beach Park, Florida; Tampa Harbor, Branch Channels, Florida; Tampa Harbor East Bay Channel Maintenance, Florida; Savannah Harbor Widening, Georgia; Kahoma Stream, Hawaii; Locks and Dam No. 26, Alton, Illinois and Missouri Second Lock, including Environmental Management; Moline, Illinois; Falls of the Ohio National Wildlife Conservation Area, Indiana and Kentucky; Des Moines Recreational River and Greenbelt, Iowa; Atchafalaya Basin, Louisiana; Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana; Pearl River, Slidell, St. Tammany Parish, Louisiana; Revere Beach, Massachusetts; Town Brook, Quincy and Erintree, Massachusetts; Baltimore Harbor and Channels,

Maryland and Virginia; Jonesport Harbor, Maine; Bassett Creek, Minnesota; Chaska, Minnesota; Gulfport Harbor, Mississippi; Missouri National Recreational River, Nebraska and South Dakota; Barnegat Inlet, New Jersey; Liberty State Park Levee and Seawall, New Jersey; Ardsley, New York; Ellicott Creek, New York; Kill Van Kull, Newark Bay Channel, New York and New Jersey; Moriches Inlet, New York; Port Ontario, New York; Randleman Lake, North Carolina; Cleveland Harbor, Ohio; Geneva-on-the-Lake, Ohio; Red River Chloride Control, Oklahoma and Texas; *Provided*, That Section 201 of the Flood Control Act of 1970, as amended by Section 153 of the Water Resources Development Act of 1976, is amended by striking out the last sentence under the heading "Arkansas-Red River Basin"; Parker Lake, Oklahoma; Bonneville Navigation Lock, Oregon and Washington; Bonneville Power Units, Oregon and Washington; Monongahela River, Point Marion (Lock No. 8), Pennsylvania and West Virginia; Cowanesque Lake Modification, Pennsylvania; Monongahela River, Grays Landing (Lock No. 7), Pennsylvania; Tamaqua, Pennsylvania; Ponce Harbor, Puerto Rico; Clear Creek, Texas; Colorado River and Tributaries, Boggy Creek at Austin, Texas; Freeport Harbor, Texas; Lake Wichita, Holiday Creek at Wichita Falls, Texas; Town Bluff Hydropower, Texas; Little Dell Lake, Utah; Norfolk Harbor, Virginia; Richmond, Virginia, Local Protection Project; Virginia Beach Streams, Canal No. 2, Virginia; Gallipolis Locks and Dam, West Virginia and Ohio (Ohio River). Initiation of construction of these projects is subject, where appropriate, to enactment of needed authorizing legislation. In the event the Ninety-ninth Congress enacts legislation specifying the requirements of local cooperation for water resources development projects under the jurisdiction of the Department of the Army, such requirements shall be applicable to projects for which funds are herein provided, notwithstanding any agreement for local cost sharing in excess of amounts specified in the relevant project authorizations. The initiation of inland waterways projects identified for planning, design, engineering, and construction in this Act may be funded from sums available in the Inland Waterways Trust Fund, established by the Inland Waterways Revenue Act of 1978 (Title II of Public Law 95-502), notwithstanding the second sentence of Section 204 of such Act.

POINT OF ORDER

Mr. HOWARD. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOWARD. Mr. Chairman, I rise to make a point of order against the language beginning on page 25, line 3, through page 28, line 9, that this language is legislation in an appropriation bill. It appropriates funds for unauthorized projects, in violation of clause 2, rule XXI.

The CHAIRMAN. Does anyone else desire to be heard on the point of order? If not the Chair is prepared to rule.

The Chair notes that there are several projects listed in this paragraph which are not authorized by law and the Chair, therefore, sustains the

point of order and the paragraph is stricken.

AMENDMENT OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITTEN:
After line 9 on page 28 insert the following:

CHAPTER IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by State, local governments, or private groups) authorized or made available for selection by law (but such studies shall not constitute a commitment of the Government to construction), to remain available until expended, \$148,500,000 of Construction, General funds and \$1,500,000 of Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee funds.

Mr. EDGAR. Mr. Chairman, I reserve a point of order on the amendment.

Mr. WHITTEN. Mr. Chairman, through no fault of its own, our authorizing committee has not been able to enact an authorization bill for 10 years. Although the House has passed authorization bills, they have not been enacted into law.

I have the highest regard for my colleagues for being as patient as they have been in trying to have authorization bills enacted into law. I have supported them through the years and I support them now. We have worked together.

The rule does provide that it is up to me as an individual to offer an amendment to restore these authorized projects but unfortunately the rule also requires me to leave out equally needed projects because they have not been authorized.

The rule leaves us on the spot in our committee for these projects which we must leave out have not been authorized, not because of lack of need, but because Congress has simply not been able to complete an authorization law for 10 years. Many of our colleagues have equally good projects. I shall offer an amendment when the section is stricken on a point of order which I hope will give us some latitude in conference to still take care of these essential projects.

□ 1450

We have included additional funds which could not be used for these projects unless they are approved by the House and Senate.

So I quote again, "for the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law." I am limiting ev-

erything to those authorized by law. But I have recommended and do recommend in this amendment that we provide funds which might be used in conference to treat all sections of the country the same. These funds would help in conference with the other body. We would have some elbow room to try to treat other colleagues the same way we treat those who have authorized projects. I repeat again to my colleague from New Jersey, we limit ourselves to authorized projects. We do provide additional funds in broad titles. Again I did not seek the responsibility that came to me under this rule to restore only the authorized projects. As chairman of the Appropriations Committee, I strongly believe we must look after our country, all of it. I am a strong believer in treating my colleagues and their districts on an equal basis and not just taking care of those where they have an old authorization, and leave the others where they have hopes that our colleagues from New Jersey and others may give them an authorization in time to correct an unequal situation.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. EDGAR] wish to pursue his point of order?

Mr. EDGAR. Mr. Chairman, I withdraw my point of order.

Mr. HOWARD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to remind the House that this body several months ago, in the last Congress, did pass by a vote of 259 to 33 a comprehensive water resource bill involving 3 years of work and some 300 necessary projects around the country.

Again, in the last Congress, by voice vote, this House adopted that legislation in the continuing resolution.

Due to inaction in the other body we are forced once again to bring this comprehensive legislation to the floor of the House. It will be brought to the floor of the House within the next 3 weeks.

On this amendment now offered by the gentleman from Mississippi [Mr. WHITTEN] I just would like to point out or ask one or two questions. The authorized projects in this legislation which the gentleman is putting back comes to approximately \$1.5 billion, I believe. The projects that were not authorized, which on the point of order were stricken and are not being put back by the gentleman's amendment amount to about \$2.1 billion, because I believe it is \$3,657.9 for the total amount that the gentleman has in his amendment is \$149,500,000 in general funds.

So even if there was some way in conference to try and authorize, reauthorize, to fund all of these unauthorized projects, there is nowhere near an amount of money to cover these because that would be about \$2.1 billion.

Am I correct on that, Mr. Chairman? Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I do not have the figures before me but I have worked with this, as has the gentleman. May I say if I inadvertently said that the House had not passed this, I did not mean to say that and I stand corrected. The Congress has not been able to enact this needed legislation into law. The gentleman and those on his committee have done a marvelous job only to be stymied by the other body.

But I point out, getting a project started is very important. We are not required to provide full funding here necessarily. The full amount, in my opinion, would help us to work out the problem for more of our colleagues. And goodness knows, we need to. Ten years is a mighty long time for our colleagues to get a much needed project started.

Mr. HOWARD. I thank the gentleman and I assure the gentleman that we will do everything we can to relieve the Appropriations Committee from the additional burden of authorizing in an appropriation bill.

Mr. WHITTEN. That has been the situation for 10 years. It is not the gentleman's fault.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I am happy to yield to the gentleman from Massachusetts.

Mr. CONTE. Let me give the gentleman the exact figures. If he will look at page 25 of our bill, he will see that those are the same exact figures in our bill that are in his amendment. The bill originally had \$148.5 million, and so does the gentleman's amendment.

Mr. HOWARD. That is what I said, but what I am saying is that you have not included the \$2.1 billion that was in here for the unauthorized projects. I am supporting this.

Mr. CONTE. Yes, but I am saying that the \$2.1 billion was not in the original bill anyway, just the first year costs for both authorized and unauthorized projects.

Mr. HOWARD. Those are just the figures we have.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I am happy to yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I think just to clarify the situation for everyone in the House, the projects that were eliminated by the point of order were 66 projects. There were 4 corps projects, there were 31 unauthorized projects, and there were 31 authorized projects.

The gentleman from Mississippi [Mr. WHITTEN] rather than going back and restoring only the authorized

projects in the bill, has simply gone back and restored all of the money in the bill, so in essence we have before us an amendment which provides for money for the authorized projects, but twice the amount of money needed for those authorized projects, and the unexpended obligations can, in fact, be used for other authorized projects or can double or triple the amount of money used on those authorized projects here in the bill. It is an important situation to understand.

If the chairman of the Appropriations Committee were only putting back the money for the authorized projects this amount of money perhaps would be cut as much as in half, or at least substantially reduced.

The gentleman from Mississippi has in fact put all of the money back for both authorized and unauthorized projects.

Mr. HOWARD. We had a figure of \$3.6 billion total for completion of these.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HOWARD] has expired.

(By unanimous consent Mr. HOWARD was allowed to proceed for 2 additional minutes.)

Mr. HOWARD. I would state from my conversation with the gentleman from Massachusetts that you do have all of the money in here for the projects authorized and unauthorized.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Massachusetts.

Mr. CONTE. That was my point. The gentleman is exactly right.

Mr. EDGAR. Mr. Chairman, will the gentleman yield further?

Mr. HOWARD. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. The billions of dollars that the gentleman discussed are accurate. If the 31 projects that are authorized and the 31 projects that are unauthorized and the 4 projects of the Corps of Engineers were in there it would cost the Federal Government more than \$5 billion.

Mr. HOWARD. I can see by the smile on the face of the gentleman from Massachusetts that he thinks that clause 2 of rule XXI does not mean anything and you can still authorize all you want when you meet the other body in the conference. So most of the authorizing committees might just as well fold up their tents as long as the members on the Appropriations Committee get their projects funded, authorized or unauthorized.

Mr. CONTE. Mr. Chairman will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Massachusetts.

Mr. CONTE. On the contrary, I am with you. I may be smiling, but I am with you.

Mr. HOWARD. Will the gentleman please try and tell me why you are

with me? Are you supporting this amendment?

Mr. CONTE. No, I am not supporting this amendment; absolutely not.

Mr. HOWARD. I thank the gentleman.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. WHITTEN. Mr. Chairman, I think I made it clear we have the unfortunate situation, whatever the reason, where certain projects have been authorized in years past. Under the rules I can only restore those. We all hope the regular legislative committee may be able to authorize projects in the future. In the meantime I believe we should do what we can to protect those colleagues who have equally as needed projects which have not been authorized because the legislative committee could not get its bills enacted into law though they did pass the House.

Mr. PETRI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the gentleman's amendment. I think if you think about it, in fact, it violates the spirit of the amendment that was allowed by the Rules Committee at this point, at this stage of the procedure, because the chairman of the committee was to be allowed to offer an amendment to help restore the funding for the authorized projects and in fact, instead of that he has offered an amendment to restore funding at exactly the same level that his committee determined was necessary for the authorized and unauthorized projects.

The bill, on page 25, line 15, provides for \$148,500,000 for the authorized and unauthorized projects which are later enumerated, and the gentleman's amendment does provide for exactly that figure. So it goes right around the barn but we end up with this House, if it passes this amendment, adopting and having restored all of the funding that was in effect stricken by the point of order.

It seems to me that this is a totally inappropriate use of the supplemental vehicle. Supplementals are for emergency spending but there is nothing remotely urgent about new starts on water projects. A delay of 2 or 3 months will not cause anyone to lose any sleep over any of these projects.

□ 1500

Why are they in this bill? They are proposed merely for one reason only, to make an end run around the Public Works Committee and the budget process. We are being asked to cram new projects into fiscal 1985 and an appropriation for new projects in this

amendment, when everyone's attention is on the budget for fiscal 1986. If you look at the larger picture in which we are operating it is clear that the American people do not know what to believe about our efforts as a Congress to control Federal spending. They have a tug of war going on in their minds. On the one hand they want to believe that Congress is truly committed to cutting Federal spending, as we tried to prove in the budget debate last month. On the other hand, they can hardly be blamed for questioning whether it's politics as usual when our next step after passing a budget is passing a supplemental appropriation bill that dumps numerous new water projects into the current fiscal year. We ask the American people to be pleased by our actions on the budget resolution for fiscal year 1986 and then ask them to avert their heads while we abuse the budget process. Who are we trying to kid? We are on the verge of taking a giant step off the path toward fiscal responsibility. We cannot ask the American people to have any faith in our ability to control spending if we continue to bypass the budget process and the authorization process. Voodoo and tricks with mirrors are not going to fool anyone, and they are certainly not going to solve our deficit problems.

An editorial in a national newspaper, the Wall Street Journal, said it best: "A congressional budget resolution is roughly comparable to your 4-year-old saying, cross my heart and hope to die." Federal spending, on the other hand, is real money. Today in this supplemental, we are talking about real money.

I do not propose to say all water projects are bad by opposing these at this time. Many of them are good. Many of these are good. It is good to see that elsewhere in this chapter cost sharing on Bureau of Reclamation projects is required. I hope this language is retained in the conference. But I continue to believe that the supplemental appropriations bill is an inappropriate vehicle for this kind of spending. Supplementals are supposed to provide emergency funding and new starts in this section of the bill just do not qualify.

It is reasonable to ask why these projects have been put into the supplemental, or the appropriations for them when markup is scheduled for both water resources authorization and appropriation in fact in the next couple of weeks. So let us allow the regular legislative process to proceed and preserve our credibility as responsible legislators with a genuine interest in abiding by the budget levels agreed to in this House just 2 weeks ago.

Mr. Chairman, I point out to all of my colleagues who have a project in

House Resolution 6, or some other place and that is not in this bill that it is going to be jeopardized because when this train goes through because then you are not going to have an engine to bring your projects through and they will be lost for another Congress.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. EDGAR TO THE
AMENDMENT OFFERED BY MR. WHITTEN

Mr. EDGAR. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Edgar to the amendment offered by Mr. Whitten: Strike "\$148 million" and insert "\$50 million".

Strike "\$1.5 million" and insert "\$1 million".

Mr. EDGAR. Mr. Chairman, the point of order that was sustained which was offered by Mr. Howard, chairman of the Committee on Public Works, was an attempt by the Committee on Public Works to keep the fire burning under the authorization process. Last year I broke from my tradition and supported for the first time in many years a water authorization bill. It had policy reforms in it which included cost sharing, which included environmental mitigation, which included a process for deauthorization of many outdated projects that are on the books but not ever going to be constructed.

The gentleman from New Jersey [Mr. Roe] had fashioned a bill, which, while not perfect, at least began to move in the right direction of setting up a strong authorization process where water policy could be made in the United States.

The amendment which I just offered gets us back to the situation where we give the Committee on Appropriations approximately \$50 million in funds for authorized water projects from now until October 1, according to the authorized projects that are in this bill.

What my amendment does is delete the additional money that the chairman of the Committee on Appropriations had placed in his amendment which would have covered the cost of the unauthorized projects.

Let me see if I can explain it even more simply, if I may have the attention of my colleagues.

The original bill before us today had 66 projects; 31 of them were authorized Army Corps of Engineer projects. Four of them were authorized Bureau of Reclamation projects. But there were also 31 corps projects that were unauthorized.

My amendment would say fund the 31 authorized corps projects and the 4 Bureau of Reclamation projects but do not fund, do not pay a dime on any of the unauthorized projects until the authorizing committee has had a chance to work its will.

This Appropriations Committee will be back on this floor within a few weeks with the 1986 appropriation legislation. There will be plenty of time for us to look at the quality of the projects they select, and there will be opportunity for us to weigh the merits of those projects at that time.

If you accept my amendment to Mr. Whitten's amendment, we simply give Mr. Whitten what he wants, and that is authority to fund authorized projects from now until October 1, that he does not have the money to fund under the existing 1985 appropriation.

But in a time of emergency, at a time when Federal dollars are scarce, it makes no sense to put a mythical amount of money in place attached to no projects or attached to projects yet to be authorized. We will have that chance in the orderly process of the House.

So I would urge my colleagues to support my effort. Again, it is very simple: We reduce from \$148 million to \$50 million the amount available for water projects, enough to fund only the authorized projects, and we reduce slightly the amount of money for flood control in the very necessary areas that was at one point \$1.5 million and we include \$1 million for that. We save about \$100 million that, in Mr. Whitten's amendment, would be spent on unauthorized water projects.

In addition, by doing this we strike a blow for merit selection of water projects. By keeping the pressure on for an authorization bill, we keep worthy projects that are not in this bill but are in the Public Works Committee's authorization bill from being bumped to the back of the funding line. A number of key flood control projects for my State, for the Wyoming Valley, for Pottstown, Harrisburg, and Lock Haven, are in the authorization bill. But they are not in this fast-track appropriation bill, so funding of them will be delayed if unauthorized projects are included in this bill.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. Yes, I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Mr. Chairman, I agree with the amendment of the gentleman, Mr. Edgar, but I'm afraid that it really does nothing. What the gentleman is saying is absolutely right, but even if we pass this with a lower number, they will put all those projects back in and they will put all the money back in during conference.

The key is that you have to defeat the Whitten amendment. Then there would be no kite to tie the tail to. Putting the authorized projects back in there is what gives you the kite.

Mr. EDGAR. I thank the gentleman for his comments. It was a close call in terms of strategy. But I have to say to the gentleman that because the point of order only lodged against paragraph 1 of this particular chapter, the kite was still there. The opportunity for conference to add or subtract money is still there, whether or not the Whitten amendment is accepted.

I plan to vote against the Whitten amendment because I think in a time of fiscal constraint when we have all of the emergency funding pressures on us with high deficits and high debt, we ought to use the regular orderly appropriation authorization process and not try to sneak unauthorized projects through on bills such as this.

□ 1510

(By unanimous consent, Mr. EDGAR was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. So I understand the gentleman's point of view. I simply want to say, if you have already got that ability in conference to rise and fall on the issue, lets us make the House figure small enough so the Senators realize that we are serious in the House; that only authorized projects will receive this emergency supplemental funding, and if they want new projects, they ought to go through the regular authorization process and help Congressman Roe get his authorization bill not only passed in the House, which we can do, but considered carefully and seriously in the Senate of the United States.

Mr. DELAY. Would the gentleman yield?

Mr. EDGAR. I yield to the gentleman.

Mr. DELAY. I thank the gentleman for yielding.

I wanted to make this very clear about your amendment. The authorized projects, for example in my district Freeport Harbor and Freeport jetties, that have been authorized since 1970, would, under your amendment, be allowed or be started with the amount of money that is appropriated in your amendment?

Mr. EDGAR. Absolutely.

Mr. DELAY. All authorized projects would have the ability to get started?

Mr. EDGAR. Any of the authorized projects that were listed in the shopping list of appropriation bills would be eligible for funding by the Army Corps of Engineers by my amendment.

The only projects impacted which would have to wait only a few months; until October 1, are those projects that are unauthorized, and that keeps the fire burning particularly under the Senate, so that we pass a legitimate authorization bill, but also the policy changes that we have worked so hard to accomplish.

Mr. DELAY. I appreciate the gentleman's amendment.

Mr. EDGAR. I thank the gentleman. I urge my colleagues to support my amendment. I hope that we can support the amendment and then some of us, by virtue of our judgment on the financial considerations, will move to vote down the Whitten amendment.

Mr. ROE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have to come to the aid in this moment, of the Appropriations Committee, which I think is going to shock the chairman and also my subcommittee chairman on this issue.

I happen to agree with what Bob EDGAR said, the gentleman from Pennsylvania, completely. It does not matter whether you add money or cut this back; it just does not mean anything; this is an exercise in total futility if you cut it back to \$5, because that is not going to be debated nor decided in this House; it is going to be decided in conference.

The one thing we want to be careful of is that we do not denigrate the whole system. Now there is an issue that you may not be aware of, fellow workers and fellow Members, that we come back and we talk about the magic of authorized projects.

Well, look through the respective States, and there is a very important point here. A project can be authorized but it was only the projects that were allowed to go through by the administration. You had to make your deal with the OMB; you had to make your arrangement to participate in a higher cost-sharing aspect of it. It did not matter where you came from; it did not matter whether you had a flood problem; it did not matter whether you were poor; it did not matter whether you had a 2-year legislature and could not raise the money for the matching funds; The GAO, under this situation, has decided specifically what will be eligible, what will be authorized.

So there is no magic about some sacrosanct issue has been decided because it has been authorized. That is total hokum and total bull. It is not so.

Part of the battle we fought on this floor before was equity and fair play. That is what the Members are looking for.

I hear questions being asked on fact, not fiction, or not philosophy, but whether or not they are eligible. What we are trying to do is break the cycle after 15 years and create a piece of legislation that will work, that will be equitable, and fair throughout the country to meet the needs of the people, and compliments to the House, compliments of the chairman of the Appropriations Committee.

I remind this committee here that the chairman himself, almost single-handedly fought like a dog the last

time in the continuing resolution to protect the interests of the House, as the House had voted, and that is a matter of fact.

The chairman and the subcommittee chairman went to the Rules Committee with us yesterday, and joined us with the Rules Committee, attempting to get the Rules Committee to make in order a particular amendment we wanted to add.

So I do not think it is fair, although I do not agree with everything that Appropriations does, to come down on their head.

The mistake we can make in this room today, or this Hall, is to just go ahead and go to that conference regrettably with the Senate and wind up, as far as the House is concerned, with practically nothing.

So I am going to support Mr. EDGAR's amendment to reduce the funds, because I think it is symbolic. I have the highest regard and respect for the gentleman, and I am going to support Mr. WHITTEN's amendment because I think the amendment ought to pass when it is amended by Mr. EDGAR.

I would like to extract a compromise and a promise from the Appropriations Committee, and I have another amendment I will bring up after this is done. What I would like to get from the committee is the point of view that you have written into your bill that regardless of the negotiations we hope, that if a project has not been authorized by the authorizing committee and therefore the House of Representatives, that it will not come back from the conference, even if the Senate attempts to add it on. Is that an unreasonable request to ask?

How firm will the Committee on Appropriations stand on its position in this bill?

Mr. WHITTEN. I do not think I have a 6-year term like the Senators do, but I have been able to stay there and lay limp.

Mr. ROE. You do very well with your 6-year terms.

Mr. WHITTEN. So I do not think I give in very easily.

Will the gentleman yield to me at this point?

Mr. ROE. Of course.

Mr. WHITTEN. I would just like to point out, and I appreciate the gentleman's statement—I quote from my own speech to this House some years ago:

In the first place, if you do not pass this bill you leave it up to the Bureau of the Budget under any administration to determine all new projects, leaving it open to a handfull of men to be purely political.

That is not necessarily true when you say authorizations. But if the administration is not going to approve an authorization bill, you leave it up to downtown, and you know it won't happen here.

I go on further and say:

I am saying that we have an obligation to look after our country, and I am saying that, after study by the Corps of Engineers, a part of the Executive Department, it is up to the Congress after hours, days, and months of study and the testimony of 1,150 witnesses, to recommend the initiation of development in sections of this Nation. That is what the bill before us would do.

Now, those who have spoken and have not been to conferences with our Appropriations Committee on the Senate side, the more money you have got in here as long as it does not exceed what we had in the bill, the better chance you have got something to work out over there.

Now, if you put a limited amount in here, you force us to choose between our colleagues who perhaps have equally desirable projects.

Mr. ROE. But if the gentleman would let me regain my time—

Mr. WHITTEN. We may have to split the projects in half, and I do not want that job.

Mr. ROE. I subscribe to what the distinguished chairman says, but let me offer another point. We have already decided that. We have cut up what is available.

(By unanimous consent, Mr. ROE was allowed to proceed for 3 additional minutes.)

Mr. WHITTEN. I have worked with my colleagues—

Mr. ROE. I know you do, and I am not quarreling that, JAMIE, but there is one thing that is certain; we have already picked and selected.

In the amendment that I choose to offer after we finish this debate goes to the other part of the bill that was under the waiver. There are 30-some-odd projects in there, including the 7 locks and dams as far as the acquisition of land and the engineering and designing, and I am not going to quarrel.

But I am saying that we have already selected.

What is happening in this process is that Members do not have an equal chance or an opportunity in any State, unless you have some input into that appropriations bill and sit on that committee, in fair play, nothing else is going to happen.

Now we cannot quarrel with you folks for working your will, but we do think it should be fair and equitable. The Northern part of this country has just as much right as the South and the East and the West to be considered in their needs, in their natural resources needs, and that is not happening. That is not happening in this particular bill, and you know it.

Mr. WHITTEN. And when the gentleman makes that fight, I will be standing beside him.

Mr. ROE. Well, I am going to wait for that day.

Mr. CONTE. Will the gentleman yield?

Mr. ROE. Yes, of course.

Mr. CONTE. I wonder if the gentleman could tell me whether he got an answer yet to his question?

Mr. ROE. Well, I think in the exchange and dialog, I have not quite gotten the answer, but I am not finished with the question yet, either.

I think it would be good, but I will let that go.

I yield back the balance of my time on this particular issue.

□ 1520

Mr. PICKLE. Mr. Chairman, I rise in support of the amendment that has been offered by the chairman of our Appropriations Committee.

Many of us are not comfortable in the amounts of money that may be appropriated, and many of us do not want to be overly selective within our own districts. But each of us has projects that we are concerned about. If I thought we could just stop the process and get an authorization bill out next month or the next month, or even the next year, then I would consider some possibility of seeing if there was a way to compromise.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I have not made my point yet.

Mr. HOWARD. The gentleman has made his point.

Mr. PICKLE. I will yield to the gentleman in just a minute.

But I have a project in my district that I must make reference to, because I want to make a point. I have a little project in East Austin called Boggy Creek. It has been studied, it has been approved by the corps, it has been smelled and massaged and examined at almost every level. It only costs about \$15 million or \$18 million. But for 10 years we have not been able to get this project advanced, nearly 10 years. Now, somewhere the machinery has broken down. Here and there a few get selected over and above this little project that flows through the eastern part of my city.

Now, the Appropriations Committee is for the project. The authorizing committee is for the project. I do not know anyone who is really against it. But I have got nothing to show for 10 years of effort. And I have promised over and over to my constituents that everyone is for the project. I hesitate to go home now because they say, "What year did you say this was going to happen?"

Now, I do not care to lump all of these projects in one, and we should be responsible about appropriations, but I do think that those of us who cannot get these little projects advanced have to stand up at some point and say, "Let us put some funds in here to see if we cannot eventually get a part of this action."

Now, that is what I am asking. It would seem to me that Mr. WHITTEN'S

amendment would do that. If I go back and take his amendment over the amendment of the gentleman from Pennsylvania, then it is only for a authorized project. So I am asking for help on a little project that has been delayed for years and years, and I am tired of it.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from New Jersey.

Mr. HOWARD. The gentleman said two things. First of all, he said he would be satisfied if the bill passes within the next month from the authorizing committee. That will be. But, second, we are talking—

Mr. PICKLE. We thought that last year, I say to the gentleman.

Mr. HOWARD. Yes, we did pass it last year.

Mr. PICKLE. But we do not have a bill.

Mr. HOWARD. The gentleman asked if we passed it, and I said we did twice, and we will.

Mr. PICKLE. We do not have a project.

Mr. HOWARD. Now, the gentleman says, though, this project is needed, and if we cannot get the bill through, then we should certainly take your project, whichever way we can. You are tired of waiting. So you take 60, 63. There are over 300. What do you think about the other 240 Members of the House who also have it, or are you saying, "Just take me, and these others, my pals, and forget the other 240?"

Mr. PICKLE. Let me reclaim my time by arguing in reverse. If you go back to authorizing, you are going to authorize them all—all 300! You are not going to authorize one. We have been through that process before.

Mr. HOWARD. Of course.

Mr. PICKLE. So then somebody has got to choose. It has either got to be the Congress or it may have to be the people downtown. It would seem to me that if you put the money in there, at least we have got a chance to make some selection as we go to conference. It is a matter of good word and good faith. This is true of many of us. In my city, they said, "Well, we will cooperate." And now for years and years, I said, one by one, each year, we have added to their responsibility. Now they have put up a third or 40 percent. They put up their money. They have advanced money on many of their works to get credit, but they have got no project. Now, somehow or another we ought to have a finality to these little projects.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I am feeling very sympathetic to the gentleman's concern. Let me make two points. The first

point is, with the amendment of the gentleman from Mississippi that states clearly that his big pot of money can only be funded toward authorized projects, the gentleman is still not protected with the gentleman from Mississippi. The second point, which is more critical: In Harrisburg, PA, in Lock Haven, PA, in Wilkes-Barre, PA, is a whole series of small communities identical to yours, there are flood control projects that have been very needed and very necessary. Those projects have been held up. And they have been held up because some of us in the House believe that we ought to have a process whereby we can select these projects by merit, much like your project, and give all Members of the House and all Members of the Senate, who represent the taxpayers who pay the bill, an opportunity on a merit selection process to get their projects funded in a timely fashion. Unfortunately, the system has broken down, and only those Members who serve on key and appropriate committees—

The CHAIRMAN. The time of the gentleman from Texas [Mr. PICKLE] has expired.

(On request of Mr. EDGAR and by unanimous consent, Mr. PICKLE was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. If the gentleman will yield further, the gentleman is at the very point that the gentleman from Pennsylvania is, the gentleman from Kansas, the gentleman from Oregon or the gentleman from Utah. Many of them have very worthy projects. In the Roe bill we have cost sharing, environmental mitigation and policy initiatives that can help put in place a policy so that we do not get ourselves in this position in the future.

There is one final point I must make, and that is that if we allow this process to go through, where we take the fire out from under an omnibus authorization bill, then we take the fire out from the policy initiatives that can help across the country.

Mr. PICKLE. Mr. EDGAR, I am in sympathy with the authorizing committee. I know very well that they want to advance a lot of these water projects. I do know that because of the past two administrations, this one now included, we have no water projects.

Now, I have voted for many of our big national defense projects. I thought they were necessary. But I am also saying that there comes a time when we ought to help some of these little communities or some of these poor parts of cities. We have not done it. And whatever caused it, whatever administration, it is not just the fault of the committee, but we have not produced any kind of a bill. Now, I want something put in there to try to give us some relief. I just think there ought

to be a halt to this kind of continued delay.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Oklahoma.

Mr. WATKINS. I thank the gentleman from Texas for yielding.

Mr. Chairman, I think the gentleman from Texas should make the point that in this bill there is \$2.7 billion for foreign aid, and the chairman is only asking for \$148 million for water for this country, that the President says has got to provide the economic growth and retire deficits and prepare the wealth of this country so that we can support other countries.

I think that is a point that the gentleman from Texas should be making. No one is saying what projects should be there. I am like you, we do not have water. But I do not know if that will be considered or not. But I think we should put an equivalent amount of what we are doing in foreign aid, and there is \$2.7 billion there. The chairman is only asking for \$148 million. I support the chairman and I stand strongly opposed to the Edgar amendment.

Mr. PICKLE. Mr. Chairman, I do not like the earmarking or comparison of one kind of fund against another fund or appropriation, because we have to look at the total budget. But there comes a time when you have to make a determination that somehow we ought to advance some water projects. We have not done it. Now, that is not right. As we do all of these other good things for our country, both nationally and internationally, we ought to also do something for the water projects, and it is time to take action on it.

Mr. MYERS. of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I really had not planned to talk on this issue, but there have been so many misstatements made and inaccuracies put before the House this afternoon that I think they ought to be corrected.

First, I do not remember when we have been quite so controversial on this particular section. I remember when I first came to Congress 19 years ago—Chairman BEVILL and I came the same year—I offered an amendment to the public works then, the subcommittee bill, and you would have thought that I had committed treason to dare challenge that particular bill. And the foreign aid bill was always controversial back then. But this one today is being blown clear out of proportion.

First, we had 62 new starts in the original provision of chapter 4, and this is being knocked out by a motion here by Mr. HOWARD. And I understand why. I thought it had all been taken care of.

Mr. HOWARD. Mr. Chairman, will the gentleman yield, since he mentioned my name?

Mr. MYERS of Indiana. Well, certainly. It was not derogatory, but I yield to the gentleman.

Mr. HOWARD. I just want to point out that the only way I could would be the section that would knock out both the authorized and unauthorized. I had no intention of eliminating the authorized and would support that part of the chairman's amendment to put them back in.

Mr. MYERS of Indiana. Well, I said earlier I thought 3 weeks ago we had an agreement. Now, I personally did not talk to you, but I understood, from other people secondhand, that as long as we provided that they must be authorized by law before we went to final construction—

Mr. ROE. If the gentleman will yield, that is part of the point. When we make an agreement we do not break agreements. I think the Members of the House ought to know one very important point which I do not think they are aware of. The reason that Mr. HOWARD was successful on his point of order was because it was authorization on an appropriation bill. But the Rules Committee protected 32 other issues, and they granted them a waiver. We cannot even get at that unless we move to attack the entire bill. We never agreed to anything like that.

And, if I may—if the gentleman will give me just 1 more second—why should it be that we select and pick between our brothers and sisters? Why should it not be fair and equitable to every State? That is the issue. So it was not a question of whether or not something was authorized or not. Part of this bill is protected by the Rules Committee, as I know the gentleman is aware.

Mr. MYERS of Indiana. Well, the gentleman may have to worry about that problem on authorization, putting everybody's projects in, but we on appropriations have to select the highest priority. That is our very job or we would not have an appropriations process. We hold extensive hearings also, and we have, but I must say to both gentleman from New Jersey that, to be honest, we have been waiting 5 years for that authorization bill to get down here. Now, we passed it last year, yes. But it did not become law. It was through no fault of yours. But it is through no fault of those individuals who are suffering, such as the gentleman from Wichita Falls who is right today under water, or Boggy Creek, in Texas, another project that is strictly under water. There are other projects that are suffering every year.

□ 1530

Mr. ROE. If the gentleman will yield, of the 435 Members of this

House, and I rise up with a little indignation at the moment, I probably have talked and worked with at least 90 percent, personally, of the Members of this House, and every hamlet and village in every State across this Nation. We did not bring forth some kind of a dragon; we put together that which was necessary.

The question before the House really is: Do we need an authorizing committee at all? What are we doing it for? Can I not then so to the chairman of the Appropriations Committee and say, "Mr. WHITTEN, of the nine projects that we desperately need in the State of New Jersey, you gave us none, sir." There are two projects that are previously authorized. I beg your pardon.

Mr. MYERS of Indiana. On page 27 of the bill which just recently got knocked down on a point of order, line 19, I quote from that passage that no longer is in the bill:

"Initiation of construction of these projects is subject, where appropriate, to enactment of needed authorizing legislation."

We put it in there that you would legislate. We would not start construction. We were advised by the Assistant Secretary for Civil Works that they needed to do some advance engineering; they need to have the money in here for that. So this is the reason we put it in. It was not to try to run around you. We worked with you very closely.

I yield to the gentleman from New Jersey.

Mr. ROE. I think that is a marvelous achievement, but then I have to ask the simple question, I am country boy; I do not follow all of this kind of thing.

Why is it then on the 32 other projects that the same codicil was not added? Why was that not added to the other elements in the bill then, if that was our agreement?

Mr. MYERS of Indiana. It is still not in the other elements of the bill, and you are not even objecting to other elements of the bill. We did that because you asked for it.

Mr. ROE. Oh, yes I am.

Mr. MYERS of Indiana. Going on. If you are a country boy from New Jersey, I hate to think what I am from Indiana; really a rural area of Indiana, incidentally, suffering from floods also.

Going on, it troubles me very much when I hear the words this afternoon, "pork barrel" used frequently. "Pork barrel." Then someone else objected to the fact that OMB or the President was selecting the projects. Yes, he sent the recommendation down here. We accepted 22 of his, I believe, 28 recommendations.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. MYERS] has expired.

(By unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 5 additional minutes.)

Mr. MYERS of Indiana. We on the subcommittee, of those 28 requests, put in 22 of the requests. We put in 10 that he did not request. Ten of the projects in there are projects that the President or OMB did not request. It did cause some consternation, I think, in OMB, and maybe from the White House; we have not heard from the White House. But that is our job on appropriations. We cannot put everyone's project in.

Now, Mr. EDGAR, he will probably ask me to yield to him now, but he wants to cut it back to \$50 million. That may happen shortly. Then he suggests that we should fund everybody's project; we cannot do it with 150; how are you going to do it with 50? I do not think 50 is enough, but it may come that we will have to start these projects with \$50 million.

The important thing that I see here is that your committee here has picked out 62, and now it has dropped down to 32, projects that we feel that are very, very important; that are authorized. Now there is going to be disagreement. In most cases, we are right. But, in no time do I know any other project that ever comes before this Congress, except here, that we have to concern ourselves about the cost-benefit ratio.

We have to make sure the benefits are greater than the cost. What other projects do anybody, in any other appropriation bill, have to meet that first criteria? When you talk about an expense here of \$145 or \$50 million, whatever the case may be, it is not a handout. It is not a giveaway; it is an investment in the future. It is an investment in the transportation system that is badly needed for exports, for our farmers who are not able to export their grain today because they just cannot meet competitively world market prices. But with cheaper transportation, available transportation, quick transportation would help.

Steel; Pittsburgh. Moving down the Monongahela or Ohio River; moving the steel and the ore up the river from the Great Lakes. All of these things are in this bill. These are investments in our future that will return. Yet, today when you talk about this high expenditure and the opportunity to save money, you would think that this is a giveaway. In fact, a lot of other dreams that we have here, ideas that we suggest. It is a good idea to spend money here and there and elsewhere. But here we are going to get it all back.

I fully understand the disagreement with the authorizing committee. It is one of those things that you have to

admit, we have waited 5 years and patiently, and we have tried to work out this year with the fact that, yes, you are going to get that bill, and we are going to try to help you get it. But we were going to make sure that the advance work that ought to be done, and we were going to have the appropriations done then already in place when you did get them authorized.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, I just want to clarify, since you used my name, what my amendment actually does. If you were to take all 66 projects that were in the original bill, the authorized and the unauthorized projects, and fully fund them out to completion, it is estimated by your committee, and I think we would agree, that the total cost would be over \$5 billion.

Mr. MYERS of Indiana. Four point four, I believe, to be exact.

Mr. EDGAR. The unauthorized projects would be in the neighborhood of \$3.6 billion. It was our estimate that the corps authorized projects in your bill would be about \$1.5 billion. Those \$1.5 billions of expenditure will in fact be funded and go to the head of the line if the Edgar amendment is accepted, because we have put sufficient funds in to fund from July 1 to October 1, the startup moneys for those authorized projects.

What we were afraid of was that if the whole of the Jamie Whitten amendment is accepted, then if in conference the word "authorized" is taken out of the language, and the unauthorized projects that you have stated would in fact be able to be funded, they would go to the front of the line. We are not suggesting that many of those projects are not important, but there are small projects in Oklahoma and Texas and Pennsylvania and California that in fact are very worthy, very necessary, and very ready. Very hungry to be recognized as valuable projects.

We think they ought to have an opportunity, and we think in the Roe bill they are given that opportunity. This provides the opportunity for the corps to work its will on the authorized projects and for our committee to work its will on the unauthorized projects.

Mr. MYERS of Indiana. What the gentleman has done is taken his judgment, and he serves on the authorizing committee, and played it against the judgment of those of us on the Appropriations Committee, and tried to impose his views on us, whoever has the higher priority.

I do not know; I hope ours has the highest priority. We have tried to pick those very critical projects in the

country that are critical to jobs, to national security, to safety and security. We have tried to pick those projects that we, in our judgment, believe are national priority not to accommodate certain Members, as was suggested here. We were impugned somewhat as to why we selected certain projects. We did not do that at all.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. MYERS] has expired.

(By unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 1 additional minute.)

Mr. MYERS of Indiana. The last authorization bill to pass this Congress was in 1976. Fourteen projects for a total of \$478 million. Three of those have been started at this point, for an expenditure of \$177 million. Not the \$4.4 or \$5 billion that the gentleman suggested.

Two more are in this supplemental appropriation. The one before that was 2 years earlier in 1974; I think we had eight projects there. Only two of those have been started to this date. It takes a long time; there is a lot of work that must go into these projects. So to say that we are going to spend \$4 billion in the next 2 or 3 years is inaccurate.

But if we did, if we were to assume that over the next 10 years, that there would be another 10 years before we got an authorizing bill passed, if these totaled out to \$5 billion, that would be an annual appropriation of \$500 million.

We lose more than that in one flood in this country. The loss to the country for one flood in many cases is more than \$500 million. The major ports generate more income than that in 1 year. Yet, they are not today because the ports are not deep enough.

We have selected items that we thought were high priority.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. MYERS] has expired.

(On request of Mr. HOWARD and by unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 2 additional minutes.)

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman.

Mr. HOWARD. I thank the gentleman for yielding.

Mr. Chairman, in closing, I would just like to ask the gentleman whether he had considered in his concern about the fact that you wait several years, 4 or 5 years for legislation, it passes this body, does not get through the other body, does not become law.

Have you ever thought that perhaps your committee might in some way be contributing to that by letting the powers that be in the other body know that as long as the heavyweights over

there on the Appropriations Committee can get their projects through the Appropriations Committee, without bothering with any authorization, that we would then lose any kind of pressure we may have in the other body to get them to accept the bill?

I hope that we will not lose what little clout we have.

Mr. MYERS of Indiana. Did the gentleman last year not say, "After we get it past the House, go ahead and put the money in the appropriation bill." Did the gentleman not say that?

□ 1540

Mr. HOWARD. Yes. Absolutely. I know.

Mr. MYERS of Indiana. That is what we are saying here, too.

Mr. HOWARD. But if we keep giving the other body many of these projects through the appropriations process, it loses any kind of pressure we may have in that entire body to get a bill, and then there are no projects left for the common, ordinary, everyday Member of the House to be authorizing.

Mr. MYERS of Indiana. That is the reason we put the language in here when it was enacted into law, so we would put the teeth into it.

Mr. HOWARD. Before he goes, would the gentleman say that he believes that he is going to come back here and those things that say "unless authorized or enacted into law" will not be funded?

Mr. MYERS of Indiana. Well, the chairman of the committee has been around many more years than I, and he said it is impossible for us to make a promise and keep it. You know that, too. We could do our best, yes.

Mr. HOWARD. Not a promise; a guess.

Mr. MYERS of Indiana. It is impossible for us to make that commitment. You know that when you go. You cannot promise any program is going to be in there, but we can do our best.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the Chairman, of course.

Mr. WHITTEN. May I say, whatever we do is subject to approval by the House of Representatives. If we authorize it in the final passage, it will be authorized.

Mr. MYERS of Indiana. I know the rules of the House. It would have to come back in disagreement.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. MYERS] has again expired.

(On request of Mr. HORTON and by unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 3 additional minutes.)

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from New York.

Mr. HORTON. I thank the gentleman for yielding.

Mr. Chairman, I do not happen to be on either one of the committees, the authorizing committee or the appropriations committee, but I work very closely with both the appropriating and the authorizing committees, and you have been very helpful to me on these projects.

Mr. MYERS of Indiana. You have a project badly needed.

Mr. HORTON. It just so happens that one of the projects that is included in the list that is authorized, and this one has been authorized since 1945, is a port of refuge on Lake Ontario, and it is very important to the people in Oswego County.

What happened was that the Federal Government made a commitment to do something about this Salmon River, and the State of New York went ahead and spent millions of dollars to stimulate the fishing industry, and now thousands of people are out on Lake Ontario fishing because the State has provided good fishing in that particular area.

What happens is that a sudden storm comes up and those people have no place to go. Fortunately, they have not lost any lives in the last couple of years as a result of not being able to get in, but you can go out of Port Ontario and a half hour later you cannot get back in.

This is one of those projects that is in here that is very important to safety. I certainly do not want to get caught in the middle of a dispute between the Appropriations Committee and the authorizing committee, the Public Works Committee, and I just urge that we authorize these projects, and particularly the one I am talking about.

Mr. MYERS of Indiana. We never have wanted to get enough posture. We have been forced into it to get your project, Moriches Inlet, Ellicott Creek, and Ardsley, NY. You have a number of dangerous areas.

Mr. HORTON. As a matter of fact, we could not do anything earlier because there was a bill pending that passed the House but the Senate did not do anything about it.

Mr. MYERS of Indiana. That is right. It was not the authorizing committee. We find ourselves, both of us, in the same position. We are trying to help each other out.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

Mr. Chairman, I would like to underscore the importance of what the gentleman from New York [Mr. HORTON], has said.

All of us, of course, have our own individual cases and projects of merit.

The gentleman from Indiana mentioned Ellicott Creek. I want to tell the House how desperate the conditions are there in Amhurst, NY without this vital flood control project getting started immediately.

Mr. MYERS of Indiana. The gentleman has made it to us many times.

Mr. KEMP. And I appreciate his support and that of Chairman BEVILL, but the point is well made by the gentleman from New York. Many of us on the floor are just caught in this dilemma, betwixt and between, even though I am on the Appropriations Committee. I feel like the gentleman from New York [Mr. HORTON] does. I have a project that has been authorized for a number of years is highly meritorious. It is a small amount of money, and deserves immediate consideration. I listened to both sides, and I can understand the merits, but the gentleman from Indiana is correct. It has been too long. We have to move, and we have to move quickly.

I think that this country has reached a crisis point over Congress' failure to enact a water policy. It has been 9 years since the last water project authorization bill was passed and 15 years since the last major omnibus water bill. Most of the projects included in the gentleman's amendment have been waiting that long or longer to go to construction. In the meantime, people have lost lives, my constituents have lost homes and possessions due to floods and we're eroding confidence in the whole system.

This Whitten amendment would restore only those projects that already have been authorized by Congress. Many of these projects have been requested by the administration. All of them are ones that are desperately needed by our citizens and which have been held up far too long already. I'd like to report on one such project.

It's called the Ellicott Creek flood control project in western New York, and it's a perfect example of what can happen when Congress waits too long to fund water projects. The Ellicott Creek project is authorized, more than meets any cost-sharing requirement, and has been requested in the budget for the last 3 years. The Corps of Engineers has been working on this flood control project for several decades, and the initial authorization was passed 15 years ago.

The congressional logjam over water projects caught up with Ellicott Creek area residents this winter. In February, Ellicott Creek flooded, forcing hundreds of families to evacuate their homes by boat and flee to emergency shelters. By that evening, many parts of the area looked more like a lake than a peaceful residential community. Streets turned into swiftly moving streams and house rooftops resembled small isolated islands.

Before the creek receded, the flooding caused millions of dollars of damage. Residents returned to find their homes devastated. Walls had collapsed; basements needed to be pumped out; and furnaces, water heaters, pipes, and electrical wiring needed to be ripped out of basements, leaving the homes without heat, water, and electricity.

In addition to the structural damage to their residences, the residents spent weeks throwing out possessions made priceless by their sentimental value or ones for which they had worked long and hard to own. No flood insurance program is able to compensate for throwing out a wedding album or a baby book or an heirloom handed down through generations of a family. No one who has not lived through a disaster of this magnitude can understand the pain, anguish, and anger that the victims feel as they sift through what remains of their personal possessions.

The residents currently live in fear, knowing that Ellicott Creek could flood after any bad storm or heavy snowfall. What makes this situation so frustrating is that the Corps of Engineers has stated that if this project had been built, it would have been more than adequate to contain the floodwaters that wreaked such devastation. These residents must not be forced to live through another devastating flood before Congress acts. I've met with concerned citizens in Amherst and throughout western New York who represent the vital interests of all those people and families who cry out for action and relief, right now.

I urge my colleagues to act immediately on those projects that would be restored to the bill and which have been approved by Congress. Our constituents already have waited too long for these projects to be built.

Mr. MYERS. We are not trying to make an end run around the authorizing committee. We are trying to get a head start so when they do authorize, we will be out and running. That is all we are trying to do.

Mr. KEMP. I share the gentleman's concern.

Mr. HOWARD. If the gentleman would yield, there is no problem with authorized projects at all. We are all for them in this bill.

Mr. MILLER of Ohio. Mr. Chairman, I wish to draw the House's attention to the Ohio Valley's most crucial navigational project: Gallipolis locks and dam. There is language in this measure of critical importance to this aging, obsolete compound and its future.

The Army Corps of Engineers wants to replace the existing Gallipolis 600-foot chamber—which was opened to river traffic in 1937—with a modern, safe 1,200-foot chamber to be built

within shouting distance of the existing compound. I have introduced legislation authorizing the construction of a new locking chamber.

The history of the proposed project has been marked not by swift legislative action on the Ohio River's worst navigational bottleneck, but by procedural delays, and legislative stalemates which have victimized the project and its promise of brighter economic development in the Ohio Valley.

Gallipolis is the most hazardous locking chamber on the river. It is the only chamber from the Pennsylvania border to the Gulf of Mexico still using a 600-foot main channel for locking. Breaking massive barge tows moving from Pittsburgh to Cincinnati into parcels for locking is the rule, not the exception. Some barge operators refuse to lock through at night. Others refuse to approach Gallipolis' treacherous pools and chamber walls during high water periods. Gallipolis is the only chamber on the Ohio using mooring cells to literally edge barges filled with coal, petroleum, and other commodities into the beaten and battered main chamber. It has the highest accident rate on the Ohio River, averaging 10 mishaps a year for the past 12 years. Damage to Government property, according to the corps, has totaled over \$1 million. Shipping delays due to the small chamber, leave barge traffic backed up for days along Ohio River shores, with the cost of shipping slowdowns being ultimately passed along to the consumer.

There is no justification for not moving ahead with legislation important to Gallipolis. The project has an estimated benefit-to-cost ratio of more than 11 to 1. It has the full support of every state government bordering the Ohio. Actual construction of the new complex will create jobs, hundreds of jobs in a region where the unemployment rate consistently exceeds the national jobless rate. The Corps is working on engineering studies now, but will need full authorization before actual on-site work can begin.

I urge my colleagues to recognize the value of Gallipolis and to give the project the priority it deserves.

Let me highlight one aspect of the project—or delays on it—which warrants noting. The present aged conditions of the compound present ideal circumstances for an environmental calamity of monumental proportions. Barges carrying highly toxic and hazardous chemicals and chemical products are regularly struggling through Gallipolis. The accident rate at Gallipolis strongly suggests that it is simply a matter of time—law of averages, if you will—before a chemically-filled raft of barges is slammed into the guardwalls at Gallipolis or ends up spilled into the adjacent dam. The environmental disaster in the wake of such an accident would be nearly over-

whelming. Its consequences would threaten lives and water systems and industrial operations along the entire Ohio Valley alley.

Congress has the chance to prevent this disaster-in-the-making. We can assume our responsibility by acting on measures that will give Gallipolis the priority it deserves.

Mr. BATEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this relatively new Member is not going to be able to add a great deal of light to our discussions on this very important matter. Perhaps, though, the fact that I cannot, and the dilemma in which I find myself, may be of some benefit to other Members of the House perhaps like myself who are not veterans of the process.

I certainly have enjoyed a very warm and good relationship with my friends on the Appropriations Committee. That is likewise true with regard to my friends on the Public Works Committee. Both committees are led by people who I regard as being in the very front ranks of the people of ability and dedication in this House.

I like to support my friends. It makes it very difficult when my friends do not agree on that which is as important as this and where it affects something which is so important to me and my constituents.

I am one of those caught by the rule-making subject to a point of order projects not authorized, and that does not seem to be unreasonable. I find myself then caught that under the amendment of the gentleman from Mississippi my project is not back in, but there will be money that somebody might give the House an opportunity at a later point when perhaps Public Works has been able to give us an authorization bill where a project might go forward, the project unauthorized, but the authorization for it has been sought for years.

In cost-benefit ratio, as a deepwater navigational project, is better than that of most if not all of the deepwater draft navigation projects which are authorized.

Not having been here for 12 years or more, it is not my fault that my project is not authorized. It is the fault of the process in some manner. I have even deliberated as to is it a practical suggestion to ask that the Committee rise in the hopes that the Committee on Rules might redeliberate on this matter and give us perhaps a rule that produces an accommodation between the problems between the Appropriations and the authorization committees. Wiser heads than mine tell me that that is not a practical alternative.

But, Members of the House, we need a practical alternative. It is not consistent with logic and common sense that the most badly needed projects, for lack of "something magic called authorization" cannot be done, while those which have the magic phrase "authorization" are no less necessary or no more necessary to get done.

Can we not find some way to rationalize this process and please help me out of that incredible dilemma in which I find myself?

Mr. BEDELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by Chairman WHITTEN. Enactment of this amendment to add 35 water projects to paragraph one of chapter IV, the energy and water chapter of the bill, would be a defeat for intergity in the Federal budget process.

I would also especially like to commend Representative BOB EDGAR, and Representative TOM PETRI for their leadership on this issue today. Because the rule did not offer underserved protection to the unauthorized projects in the bill, Mr. HOWARD has been able to raise a point of order against the unauthorized projects in the bill instead of offering an amendment to delete them. Since these unauthorized projects have been removed from the bill, why should we object to adding 35 previously authorized projects?

The answer is simple. This is neither the time nor the place to do so. Mr. Chairman, I believe that the issue boils down to this: Either these 35 projects are legitimate and can enter the Federal budget through the front door on their own merits, or they are not legitimate and must go around the budget process to sneak in the back door.

I am not against all water projects; some of these authorized projects are no doubt badly needed and cost effective. But there is no reason why, if they are truly needed, they cannot wait for the regular appropriations cycle and compete for scarce Federal dollars against all other projects and programs. We will be considering the regular fiscal 1986 energy and water appropriations bill within a few months. Who are we trying to fool? What is the hurry?

In talking to my people in Iowa, I find that they have little faith in the credibility of our congressional budget process, and they question whether we in Congress really have the political will to deal with the deficit problem. Supplemental appropriations bills are supposed to be for emergencies. During the last several months, we have all talked about reducing the deficit. Recently the House and Senate passed budget resolutions that would reduce the deficit proposed by the President by \$56 billion in fiscal 1986.

For us to spend weeks debating a budget resolution for fiscal 1986 and then to turn around and stick 35 water projects worth \$1.97 billion onto the tail end of fiscal 1985 would only confirm our constituents' suspicion that the whole budget process is a fake.

Mr. Chairman, with regard to the Edgar amendment to the Whitten amendment, I came down to listen to this because it appears to me that what we have to some extent is a battle between committees. If I understand it correctly, the situation is that, if the wording as it is in the amendment of the gentleman from Mississippi [Mr. WHITTEN] stays in, in conference, then this amendment is not going to do anything for those people whose projects are not yet authorized.

If, indeed, the amendment is deleted in conference, then we will be moving away from the normal process where we move in a normal manner where the legislative committee makes a decision as to what should be authorized and instead turn that over to another committee.

I have real trouble with that. We have serious budgetary problems. We voted in our Committee on Small Business this morning to cut out small business loans in order to save some \$18 million. That is the cost of one little water project. So it would appear to the gentleman from Iowa that if the wording stays in as it is, it is not going to help the gentleman from Texas [Mr. PICKLE] or those people who do not have projects authorized, and if it comes out, then what we are doing is saying we are going to not follow normal legislative process, which gives us some protection.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield to me?

Mr. BEDELL. That is why I took the floor. Is the gentleman from Iowa wrong about that?

□ 1550

Mr. WHITTEN. May I say this: After you wait 10 years for the legislative committee to do what it tries to do and it cannot succeed because of the executive branch or the other body, how long should we wait before we try to help them?

Mr. BEDELL. Well, if we are going to concern ourselves with that—

Mr. WHITTEN. And one other thing. Let me tell you, I asked the staff of the committee and the chairman of the subcommittee to work with our friend from New Jersey, and they did. We wanted to do exactly what they wanted to do, and the fact is they could not get a bill signed into law. We wanted to do what they wanted, and we thought we did.

Mr. BEDELL. I guess the concern of the gentleman from Iowa in this budgetary problem is that we have these problems with the deficits where we are cutting out all sorts of things that

are badly needed. The gentleman from Mississippi knows of problems in agriculture and what we need there. For us to say in this case that we are going to bypass the regular legislative process—

Mr. WHITTEN. We are not bypassing it. We have just been working together for 10 years. We asked the committee and the chairman and others, my friends who are doing a whale of a good job, to meet with us, and they met with us and we thought we had worked it out.

Mr. BEDELL. Mr. Chairman, if the gentleman can reclaim his time, it would appear to me that all times to say that we are going to bypass the normal process and go ahead and maybe fund items without ever having them authorized seems to me to be absolutely ridiculous at a time when we are having to cut everything else back.

It is my understanding that the committee is going to meet very, very shortly and can consider it and can authorize the projects that they feel should be authorized. I would hope above all else that we would say that it is important to have some sense about what we do to follow normal legislative process, and particularly not to throw it aside where we may spend money in a different manner, in view of the problems we face.

Mr. COBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to engage in a colloquy with my colleague, the gentleman from Indiana [Mr. MYERS].

Directing my question to the gentleman from Indiana [Mr. MYERS], as ranking Republican of the Subcommittee on Energy and Water Development, I would like to first outline the situation and then ask a question. The language of the committee report under Randleman Lake states, and I quote:

The committee directs no funds be used for the Randleman Lake project prior to completion of the ongoing studies and prior to the approval of the Committee on Appropriations of the House of Representatives and the Senate.

My question is this: Is it the gentleman's understanding and agreement that no funds will be released for this project until both the Representative of the Fourth District of North Carolina and the Representative of the Sixth District of North Carolina agree that it is appropriate to release those funds?

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. COBEY. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, as the gentleman knows, we have discussed this, and the reason the subcommittee put the language in to

fence those dollars for Randleman Lake is because you and the gentleman from North Carolina [Mr. COBLE] have some difference of opinion about what is needed there for flood control, water supply, and recreation.

Mr. COBEY. Right.

Mr. MYERS of Indiana. As the gentleman has stated and as we have stated in the report, there is a study under way, and it is our understanding the study will be forthcoming shortly. The committee feels it will be able to work out, after the study, the differences between you and the gentleman from North Carolina [Mr. COBLE] and your districts to meet the requirements so that we do provide flood control and water.

So that is essentially right, there will be an agreement, and the committee and the other body, along with the House, would have to agree, and, of course, we would have to depend upon the agreement between you and the other gentleman from North Carolina.

Mr. COBEY. There has been one study that has come forward. That is from the Piedmont Council, the Tri-Council of Governments. There is another study coming forth from the Randolph County commissioners. That is the reason it says, "studies."

Is it also the gentleman's understanding that the members of the Committee on Appropriations understand this situation?

Mr. MYERS of Indiana. Yes; I understand that is correct. But we hope this can be expedited, that there will not be study after study. Frequently throughout the country we see these things delayed in this committee because of studies. We hope that we will be able, after we get the final study completed along with the committees and you two gentlemen, to work it out. We hope we can work out what little differences there are there. I think they can be worked out satisfactorily. Certainly I think they can be, because the committee would not have put that project in if we did not think it could be worked out.

Mr. COBEY. Mr. Chairman, I thank the gentleman for his reassurance.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will make this brief. We have had a lot of confusing statements made here, and I know the Members are sincere, and I know everyone is telling it just as he sees it.

As far as my good friend, the gentleman from New Jersey, Mr. BOB ROE, and his subcommittee and the committee chairman, the gentleman from New Jersey [Mr. HOWARD], are concerned, there are no Members in this Congress who ever worked harder to put a bill together to authorize water projects. Practically everybody that was here last October has voted for every project we are talking about

today. Not only did we vote to authorize them, we voted to fund them. So I do not really know why we are having such a hard time here now.

We are in an unfortunate situation. We have a very difficult time on appropriations in my subcommittee. We deal with energy and water. We have not had an authorization bill for the U.S. Department of Energy energy programs since it was created. Now, suppose we just followed the advice we got here today to not fund unauthorized projects or activities, then we would not have an energy program. We would have to close the door. There is no authorization. What are we going to do but do the responsible thing, and the rules of the House are flexible enough to permit this to happen.

That is why we have a Rules Committee. The Rules Committee did not do what we asked them to do in this case. Mr. HOWARD and Mr. ROE and I were in there with a group of them yesterday, and we urged them to act. I was willing to do anything to get that authorization bill, because I am for it. I think it is the best authorization bill ever put out by the Public Works Committee. I am for it, and we need it.

It provides a cost-sharing formula that we can follow. It has everything in it that anybody could want. It would authorize 300 projects. We cannot appropriate for all 300 projects in 1 year, of course, but we need to begin somewhere.

Most of everything we have in this bill here and in Mr. WHITTEN's amendment has been passed twice by this House—not once but twice by both committees.

In our appearance yesterday with some of the Rules Committee members, I said that if they would just allow the authorizing bill, we would take it and make it part of our bill. That is not unusual. The subcommittee chairman, the gentleman from Iowa [Mr. SMITH], just mentioned here awhile ago the 600-page anti-crime law that was included in fiscal year 1985 continuing resolution. So we are not establishing any precedents here. Sometimes we have to provide waivers for these matters.

Now, at this time last year our bill had already been passed. It was practically the same thing, and as a matter of fact in October H.R. 6—it is now known as H.R. 6, the good public works authorization bill that I am bragging about here—was part of the continuing resolution passed by the House. It was added to our bill, our appropriation bill, in my section of the bill.

So we do not have anything new here. I think we are getting away from what we are talking about here. But let me say this: These projects are needed. Many of these projects are for flood control, and they are needed.

Our friend, the gentleman from Texas [Mr. PICKLE], stood up here and told us how down in Austin, TX, there had been flooding. That is just one of many examples. Just one flood and many of these projects will pay for themselves. Actually \$7 on a national average, for every dollar we put into the flood control projects in this Nation. That has been true for the past 200 years. We get back \$7 in benefits for every dollar invested. And we are not talking about lives. We save lives, but we cannot put value on that, certainly.

So we need these projects. We need to move this. We asked the Rules Committee for help. I voted for the rule now, and I respect the Rules Committee. I voted for the rule.

We have got to move. At this time last year these bills were over in the other body. Yes, the other body is going to add some projects to it. There is nothing we can do about that. They are going to add their projects, and I would like for us in the House to get our projects that are necessary, that are needed. These are very critical projects.

I do not have time to explain all these differences here, but I am just saying that I know this: These projects have been studied and the hearings have been held. We have heard months of testimony. We were unanimous, Republicans and Democrats, in support of this bill.

□ 1600

The CHAIRMAN. The time of the gentleman from Alabama [Mr. BEVILL] has expired.

(By unanimous consent, Mr. BEVILL was allowed to proceed for 1 additional minute.)

Mr. BEVILL. We have some good friends here who have never supported a public works project since they have been here and I understand that and that is all right. That is their prerogative and they make some good points and they keep us on our toes; but I am telling you, we need these projects.

Mr. Chairman, I urge a vote against the Edgar amendment and a vote for the Whitten amendment.

Mr. MONSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened quite intently to what has gone on here today. I think the thing that is clear in my mind is that nothing is very clear.

I think it is unfortunate that when we enact legislation, we cannot even rely on the words that are contained in that legislation to do what we want done.

Where I read on page 27 of this act, initiation of construction of these projects is subject where appropriate to enactment of needed authorization

legislation, it does not seem to me that we have done anything that would circumvent those that are properly authorized to carry out the authorization.

What I am concerned about however, is the fact that many of the projects that were contained here have been authorized for some time and yet have still not begun construction. I happen to have one of those located within my own district, so that is very much of importance to me, but I have listened intently as others have described the project in their districts as well. I think that they are of equal importance.

I think it is unfortunate that when we realize that in Salt Lake City a project was authorized in 1968 and when twice since that time flooding has occurred, in 1953, I believe, or 1952 and in 1983, where significant damage was done that could have been prevented had this project already gone forward, I think that we have done a lot that we need to correct as soon as possible.

Now, I, for one, believe that the thing we need to do here today is make sure that the projects that have been authorized or allowed to go forward should be done.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. MONSON. I would be happy to yield.

Mr. EDGAR. I would like to make two points to the gentleman. His reference to the sentence on page 27, that sentence no longer exists because it was knocked out by a point of order.

Mr. MONSON. I understand that.

Mr. EDGAR. But the second point is, the gentleman's project in Utah would be fully funded under the Edgar amendment. All the Edgar amendment does is relieve the pressure on the budget of the dollars that would have been included in the Whitten amendment for the unauthorized projects and that is the particular legislative situation that we are in now.

So the gentleman's project is protected under the Edgar amendment and I would urge the gentleman's support.

Mr. MONSON. Mr. Chairman, if I can reclaim my time, I appreciate the two points the gentleman has made. I realize fully that those points are well justified.

My point is this. I hope that in the confusion of getting caught up as to whether or not we should support authorized or unauthorized projects that we would allow those projects that are authorized definitely to go forward, that we would not do anything here today that would inhibit that, that we would work out between us as best we can the ability to accomplish those unauthorized that appear to be so vitally needed as well.

● Mr. GAYDOS. Mr. Chairman, I feel as though I am on a treadmill. I have lost track of the number of times in the past 10 or so years that I have stood before this body to fight the battle to preserve and improve our inland waterways, especially in western Pennsylvania.

Inland waterways have been the lifelines of commerce for many parts of the United States. Many of our great inland cities were built on the banks of navigable rivers so that goods could be transported cheaply and efficiently. These rivers were and are vital to the economic well-being of those regions and it is especially true for those of us from western Pennsylvania.

With that in mind, I must rise to vigorously oppose this amendment which will have the effect of damaging our repressed economies even more. I find it difficult to believe that a colleague of mine from Pennsylvania is a sponsor of this amendment, especially when one considers the importance of river and waterway traffic to the entire State, but especially so to western Pennsylvania.

I could perhaps understand this action more if the sponsor were from an area that did not depend on waterways for cost-effective transportation. But the entire State of Pennsylvania is oriented to water traffic.

How important are the waterways? Let me cite a few examples. In its heyday, the Monongahela River brought more than 24 million tons of coal a year to the mills and powerplants along its banks. Nearly 60,000 jobs were directly or indirectly keyed to traffic along that river alone.

Just a few years ago, the Clairton Works of United States Steel required 25 to 27 barges of coal a day to satisfy its needs. To ship that same tonnage by other means would require 385 railroad cars or more than 1,000 trucks. The cost differential would be phenomenal.

In fact, the inability of river traffic to move swiftly because of the deterioration of locks and dams has increased costs that have made it more difficult for American mills to compete successfully with imported products.

The result: A number of plants either shut or operating at reduced capacity and thousands in western Pennsylvania out of work.

As I mentioned, this is not a new problem. When the locks and dams were first built, they were given a projected life span of 50 years. Today, the average age of about two-thirds of the locks and dams on the Ohio, Allegheny, Monongahela, and Kanawha Rivers is closer to 60.

And those locks and dams are showing their age. They are woefully inadequate to handle the larger barges that increase the efficiency of transporting goods and materials. And, because those facilities cannot handle

the numbers of barges, traffic is slowed, bottlenecks are created and the operating costs go up, making river traffic too costly, and making it continually more difficult for American-made products to compete successfully with imports, including and especially coal and steel.

In 1962, the Army Corps of Engineers told us that work had to be done to keep the system intact and workable and the corps has submitted plans annually for major repair and reconstruction work. To strike these and other worthy projects from the supplemental appropriation is to say that we don't care about our economy.

The importance of keeping these waterways in a good navigable condition cannot be overlooked. These rivers are a part of our economic life, especially in Kentucky, West Virginia, Ohio, and Pennsylvania.

Western Pennsylvania grew and prospered because of river traffic. Eastern Pennsylvania also depends on rivers and navigable waterways for its economic well-being. How any member of the Pennsylvania delegation could stand before this body and say that improvement of waterways is a waste of public dollars is more than I can understand. It only proves that there is a lack of understanding about the economic base of our State, and lack of sensitivity to the particular needs of western Pennsylvania.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. EDGAR] to the amendment offered by the gentleman from Mississippi [Mr. WHITTEN].

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. EDGAR. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 144]

ANSWERED "PRESENT"—402

Ackerman	Armey	Bateman
Addabbo	Aspin	Bates
Akaka	Atkins	Bedell
Alexander	AuCoin	Bellenson
Anderson	Badham	Bennett
Andrews	Barnard	Bentley
Annunzio	Barnes	Bereuter
Applegate	Bartlett	Bevill
Archer	Barton	Blaggi

NOT VOTING—28

Bilirakis	Lehman (CA)	Stallings
Boland	Matsui	Stark
Boxer	Miller (CA)	Stokes
Derrick	Morrison (CT)	Weaver
Fiedler	Neal	Wilson
Hatcher	Pursell	Wirth
Hillis	Schroeder	Wise
Huckaby	Solarz	Wyllie
Hutto	Spratt	
Leath (TX)	St Germain	

□ 1630

Messrs. COEHLO, REID, and DARDEN changed their votes from "aye" to "no."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. GILMAN. Mr. Chairman, I rise in support of the Whitten amendment.

Mr. Chairman, I rise in strong support of the Whitten amendment which restores funding for water projects in chapter IV, the energy and water development section of the supplemental appropriations bill. While I believe we must do everything we can to hold down the ballooning deficit, our Nation cannot afford to wait any longer on appropriating money for new water project construction starts. The funding level provided for in the amendment is rather modest when one considers no funds have been approved for new starts since 1979.

Mr. Chairman, we must not forget that failure to enact funding for these water projects exacts a human cost. While we fail to act, people are being subjected to the ravages of flooding which claims life and property. For example, in my 22d Congressional District of New York, the village of Ardsley located in Westchester County, has over the years been devastated by the overflow of the Saw Mill River. Congress first approved the examination of this project 30 years ago. In the 1976 water resources project bill, the last such bill to pass the Congress, the Ardsley flood control project was authorized.

Gentlemen, the time has come to stop procrastinating on issues so important to our Nation. On April 5, 1984, Ardsley with other communities in the New York and New Jersey area were devastated by torrential rains. When the storm cleared, one could float a boat on Main Street. While this was certainly not the first time Ardsley was severely flooded, the devastation was so pervasive that the President declared Ardsley along with the entire region a Federal disaster area. Both the community and the residents received some financial aid to alleviate their plight—But it is never enough. It is far better to allocate these moneys to prevent floods, than to spend the money year after year just to clean up the flood debris.

It is time for the Congress to forge a new water resources policy. Our inaction has resulted in increased cost-

sharing requirements being imposed on water projects by the executive branch, a legislative prerogative which we have failed to exercise. We must determine whether the ability to pay should be the criteria which we wish to have applied to the decisionmaking process. It is the very communities which can least afford the added contribution, that are most desperate for the time of completion of these sorely needed projects. I am pleased to see that water resources section of the supplemental subjects any project included within this bill to a future cost-sharing arrangement. I would also hope a bill containing such a provision will come to the floor in the near future.

Accordingly, I urge support for the Whitten amendment. Most of us have some Main Streets in jeopardy. Too many Americans live in constant fear that the next storm could leave their possessions, their homes and businesses floating, or far worse—it could result in loss of life.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. WHITTEN] as amended.

The question was taken; and the chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONTE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 325, noes 74, not voting 34, as follows:

[Roll No. 146]

AYES—325

Ackerman	Bustamante	Dixon
Addabbo	Byron	Donnelly
Akaka	Callahan	Dorgan (ND)
Alexander	Campbell	Dornan (CA)
Anderson	Carney	Dowdy
Andrews	Carr	Downey
Annuzio	Chandler	Duncan
Anthony	Chappell	Durbin
Archer	Chapple	Dwyer
Aspin	Cheney	Dymally
Atkins	Clay	Dyson
AuCoin	Clinger	Early
Badham	Cobey	Eckart (OH)
Barnard	Coble	Edwards (CA)
Barnes	Coelho	Edwards (OK)
Barton	Coleman (MO)	Emerson
Bateman	Coleman (TX)	English
Beilenson	Collins	Erdreich
Bennett	Combest	Evans (IL)
Bentley	Conyers	Fascell
Bereuter	Cooper	Fazio
Berman	Coughlin	Feighan
Bevill	Courter	Fiedler
Biaggi	Coyne	Fields
Billey	Craig	Fish
Boehlert	Crockett	Flippo
Boggs	Daniel	Florio
Boner (TN)	Darden	Fogliaetta
Bonior (MI)	Daschle	Foley
Bonker	Daub	Ford (MI)
Borski	Davis	Ford (TN)
Bosco	de la Garza	Fowler
Boucher	DeLay	Frank
Breaux	Dellums	Franklin
Brooks	DeWine	Frenzel
Brown (CA)	Dickinson	Frost
Bruce	Dicks	Fuqua
Bryant	Dingell	Gallo
Burton (CA)	DioGuardi	Garcla

Gaydos	Martin (NY)	Sabo
Gejdenson	Martinez	Savage
Gephardt	Mazzoli	Saxton
Gibbons	McCain	Schaefer
Gilman	McCandless	Scheuer
Gingrich	McCloskey	Schuetz
Glickman	McCurdy	Schumer
Gonzalez	McDade	Seiberling
Goodling	McEwen	Shaw
Gordon	McGrath	Shelby
Gray (IL)	McHugh	Shumway
Gray (PA)	McKernan	Shuster
Guarini	McKinney	Skeen
Gunderson	Meyers	Skelton
Hall (OH)	Mica	Slattery
Hall, Ralph	Mikulski	Slaughter
Hamilton	Miller (OH)	Smith (FL)
Hammerschmidt	Mineta	Smith (IA)
Hawkins	Mitchell	Smith (NE)
Hayes	Moakley	Smith (NJ)
Hefner	Molinari	Snowe
Heftel	Mollohan	Snyder
Hendon	Monson	Spence
Holt	Montgomery	Staggers
Hopkins	Moore	Stangeland
Horton	Morrison (WA)	Stenholm
Howard	Mrazek	Strang
Hoyer	Murphy	Stratton
Hubbard	Murtha	Studds
Hughes	Myers	Stump
Hunter	Natcher	Sundquist
Ireland	Nelson	Swift
Jenkins	Nichols	Synar
Johnson	Nielson	Tallion
Jones (NC)	Nowak	Tauzin
Jones (OK)	O'Brien	Taylor
Jones (TN)	Oaker	Thomas (GA)
Kanjorski	Oberstar	Torres
Kaptur	Ortiz	Torricelli
Kasich	Owens	Towns
Kemp	Oxley	Trafficant
Kennelly	Packard	Traxler
Kindness	Panetta	Udall
Kolbe	Parris	Valentine
Kolter	Pashayan	Vander Jagt
Kostmayer	Pease	Visclosky
Kramer	Penny	Volkmer
LaFalce	Pepper	Vucanovich
Lagomarsino	Perkins	Walgren
Lantos	Pickle	Watkins
Lehman (FL)	Price	Waxman
Leland	Quillen	Weiss
Lent	Regula	Wheat
Levin (MI)	Reid	Whitehurst
Lewis (CA)	Richardson	Whitley
Lewis (FL)	Ridge	Whittaker
Lipinski	Rinaldo	Whitten
Lloyd	Roberts	Williams
Loeffler	Robinson	Wolf
Long	Rodino	Wolpe
Lowery (CA)	Roe	Wortley
Lowry (WA)	Roemer	Wright
Lujan	Rogers	Wyden
Luken	Rose	Yates
Lundine	Rostenkowski	Yatron
Lungren	Rowland (CT)	Young (AK)
Madigan	Rowland (GA)	Young (FL)
Manton	Roybal	Young (MO)
Markey	Rudd	
Marlenee	Russo	

NOES—74

Applegate	Hartnett	Olin
Armey	Henry	Petri
Bartlett	Hertel	Porter
Bates	Hiler	Ray
Bedell	Hyde	Ritter
Boulter	Jacobs	Roth
Broomfield	Jeffords	Roukema
Brown (CO)	Kastenmeier	Schneider
Broyhill	Kildee	Schulze
Burton (IN)	Kleczka	Sensenbrenner
Carper	Latta	Sharp
Coats	Leach (IA)	Sikorski
Conte	Lightfoot	Siljander
Dannemeyer	Livingston	Smith (NH)
Dreier	Lott	Smith, Denny
Eckert (NY)	Mack	Smith, Robert
Edgar	MacKay	Solomon
Evans (IA)	Martin (IL)	Sweeney
Fawell	McCollum	Swindall
Gekas	McMillan	Tauke
Gradison	Michel	Vento
Green	Miller (WA)	Walker
Gregg	Moody	Weber
Grotberg	Moorhead	Zschau
Hansen	Obey	

NOT VOTING—34

Billarakis	Matsui	St Germain
Boland	Mavroules	Stallings
Boxer	Miller (CA)	Stark
Crane	Morrison (CT)	Stokes
Derrick	Neal	Thomas (CA)
Hatcher	Pursell	Weaver
Hillis	Rahall	Wilson
Huckaby	Rangel	Wirth
Hutto	Schroeder	Wise
Leath (TX)	Sisisky	Wyllie
Lehman (CA)	Solarz	
Levine (CA)	Spratt	

□ 1650

Mr. SWINDALL changed his vote from "aye" to "no."

Mr. BATEMAN changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. NATCHER] having assumed the chair, Mr. BROWN of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I was unavoidably absent earlier today due to a prior commitment in New York. Had I been present I would have voted "no" on rollcall No. 142, on approval of the Journal of June 5, 1985. I also would have voted "aye" on rollcall No. 143, relating to adoption of the rule for consideration of H.R. 2577 making supplemental appropriations for fiscal year 1985.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I took this time for the purpose of inquiring of the majority leader the program for the balance of the week.

I yield to the gentleman from Texas, the majority leader [Mr. WRIGHT].

Mr. WRIGHT. I thank the gentleman for yielding to me.

Mr. Speaker, I will be glad to respond to the gentleman's question. This concludes the business for today, and for the remainder of this week. There will be no session tomorrow.

On Monday, there will be a pro forma session, with the House meeting at noon. On Tuesday, we will resume consideration of the supplemental appropriations bill, and probably will continue on Wednesday. We will come in at 10 o'clock on Wednesday and

Thursday. We hope to conclude consideration of this supplemental appropriations bill on Wednesday at the latest.

On Thursday, the House will recess after convening in order that we may hear the Prime Minister of India address a joint meeting of Congress. Then we will take up H.R. 1555, the foreign assistance authorization bill, and H.R. 1452, the refugee assistance authorization.

Mr. MICHEL. I notice the chairman of the Appropriations Committee was on the floor, and he is conversant with this supplemental that we have just been considering. I am wondering whether or not it is expected that the balance of the supplemental, exclusive of the Nicaraguan debate, would consume all the time on Tuesday, or would we expect to complete action on everything but Nicaragua Tuesday and then still have sufficient time to go into that matter? Naturally, then I would suspect it would spill over until Wednesday; if we are going to leave or adjourn at some reasonable hour on Tuesday?

Mr. WRIGHT. If the gentleman would yield, I would expect that it just depends upon how much time is consumed concluding the other matters in the bill.

As the gentleman knows, we have a full day's schedule dealing with those four specific offerings that have been made in order under the rule with respect to Nicaragua. That will take 6 hours of general debate. That is a full day's work.

If we are not able to finish the remainder of this bill at an early time on Tuesday, we would just go over until Wednesday and devote all of Wednesday to the proposition of the four Nicaragua votes that are made in order under the rule.

Mr. MICHEL. I understand, I think that is all the questions I have. Thank you.

ADJOURNMENT TO MONDAY,
JUNE 10, 1985

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 o'clock noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST FOR DISPENSING
WITH CALENDAR WEDNESDAY
BUSINESS ON WEDNESDAY
NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that business under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

GENERAL LEAVE

Mr. BLAZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of the special order today by the gentleman from New York [Mr. GREEN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Guam?

There was no objection.

□ 1030

ENDING THE BATTLE OVER WIC

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, David Stockman sometimes moves in mysterious ways.

Each year for several years now, the Director of OMB has chosen to pick a fight with Congress over what many of us would have thought to be a wholly innocuous program: the Supplemental Food Program for Women, Infants and Children [WIC]. For the past 6 months, various Members of both Houses have bargained, cajoled, and threatened to sue OMB to force the release of the full appropriation for WIC. Both Houses included statements in their budget resolutions appealing for the release of the WIC funds. All to no avail.

Then yesterday, as this body was on the verge of forcing OMB's hand through a legislative directive contained in the supplemental appropriations bill, OMB relented. The disputed money was to be disbursed to the States after all. While I am pleased that many thousands of pregnant women and little children who would otherwise have lost assistance will now be able to eat a decent diet, I am disturbed by the implications of the way in which the conflict over WIC has played itself out.

Last year Congress appropriated \$1.5 billion for WIC. Of that sum, \$1.255 billion was intended for the first 10 months of the fiscal year, and \$245 million was earmarked for the last 2. Displaying a generous, if imprudent, degree of faith in OMB's trustworthiness, Congress made the appropriation for August and September contingent on an Executive budget request. When that request arrived, it fell \$76 million short of the level set out by Congress.

Now \$76 million may not sound like a grand sum. Why just the other day, the Secretary of Defense miraculously found \$4 billion floating in the Pentagon's accounts. But when it comes to buying orange juice, milk, and eggs, \$76 million still goes a long way.

By withholding the \$76 million, OMB would have forced a 7.7 percent reduction in the number of people receiving WIC assistance nationwide. That would have meant more than 235,000 pregnant women, infants, and young children denied access to adequate amounts of basic nutrients. In my own home state of Ohio, some 25,000 women and babies would have lost WIC coverage.

With regard to WIC, the fundamental human issue is simple: Will we help poor pregnant women, often teenagers, bring healthy children into the world or will we condemn them to bear offspring disadvantaged from birth? A recent study of the WIC Program in Massachusetts, carried out by the State department of public health, found that women on WIC have babies that weigh more, are more mature, and are less likely to die shortly after birth than babies born to comparable women not receiving nutritional assistance.

The way in which the fight over WIC has been resolved, though, raises a political issue as well. OMB's withholding of WIC funding is by no means the first instance in which OMB has deliberately flaunted Congress' spending authority. A similar conflict recently developed, for example, over the level of funding for research grants at the National Institutes of Health. When it comes to assigning blame for the deficit, no one is more eager to remind the Nation of Congress' power over spending than David Stockman. When the spending is not to Mr. Stockman's liking, it seems, he is less particular about his adherence to constitutional principles.

Rather than wasting time, effort, and taxpayers' money forcing OMB to carry out its responsibilities as each of these cases arises, perhaps Congress should consider a general legislative remedy that would remove OMB's obstructive capabilities. Such a move would almost certainly increase the efficiency of government—a cause that the Director of OMB has always championed.

TAX SIMPLIFICATION, A WELCOME CONCEPT

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, Thomas Jefferson once said,

The accounts of the United States of America ought to be . . . made as simple as those of the common farmer, and capable of being understood by common farmers.

The present tax system, however, is a far cry from the simple method of collecting revenue Jefferson envisioned. Since the adoption of the 16th amendment to the Constitution in 1913, the simplicity of our Tax Code has been usurped by a complicated system of loopholes and deductions which only a few understand.

Our current tax system suffers from a number of structural deficiencies such as a narrow tax base that forces high marginal rates on taxable income; unfavorable interaction of the tax system with inflation which arbitrarily increases real tax burdens; and a wide array of corporate and individual tax preferences that distort economic choices and misallocate resources. Presently, a number of investments, methods of financing, and industries are favored in the tax system over others. As a result, how to finance, how to produce, and what to produce are too often motivated by tax considerations rather than by what consumers want and the real cost of resources in production.

Mr. Speaker, when investments and other economic choices are made for tax rather than fundamental business reasons, our Nation's resources are squandered. I believe it is time that we regain control of our tax system and stop allowing it to dictate our personal and business decisions. Accordingly, I am pleased that the President and leaders in Congress—both Democratic and Republican—are supporting proposals for tax simplifications. The taxpayers of this Nation have in recent years expressed their disdain for the present tax system and are calling for changes to simplify our Tax Code.

Since the 99th Congress convened, more than 10 bills have been introduced calling for simplification in the form of a flat tax or a modified flat tax. The bills that are currently receiving the most serious consideration include the Bradley-Gephardt and the Kemp-Kasten modified flat tax proposals. The support that these proposals have gained from both parties is indicative of the bipartisan support in Congress for tax reform.

I agree in principle with the President's efforts to make sweeping changes to our tax system as outlined in his tax proposals to the Congress for fairness, growth, and simplicity. Like the President, I believe we cannot allow tax reform to be a disguise for a tax increase. Lower tax rates will stimulate work, encourage savings and investment, and discourage unproductive tax shelters. The President's proposal would replace the present system of 14 brackets with 3 simple brackets of 15, 25, and 35 percent. These rate changes, however, will be feasible only if the taxable income base is broadened. I will not support changes which shift the tax burden to

those already paying their fair share of taxes.

Many areas of the Tax Code need reform to increase fairness for families and mainstream America. Our tax system should work to the advantage of the American family, giving it strength rather than being a constant strain. The value of the personal exemption must be restored and indexed to keep pace with inflation. The provisions in our Tax Code which discriminate against spouses working in the home must be eliminated. The tax system must be restructured so that all income is taxed uniformly and consistently by being subject to the same rules.

Although I agree with much of the President's proposal, I am opposed to certain particulars. I am in favor of simplifying the complex system of itemized deductions, exclusions and special credits. I do not, however, believe the deduction for State and local taxes should be eliminated. I recognize the need to close loopholes that allow deductions for entertainment and business meals. Yet, I do not agree that compensation such as health benefits, life insurance, and retirement plans can be included as taxable income.

Beyond the fairness that rate reductions, base broadening, and elimination of special preferences the President's proposal will provide, Congress must work to insure that the overall proposal we pass is fair in order to restore the faith of the American people in their tax system. We must also insure that any tax reform measure continue fostering growth in business. Mr. Speaker, we must give the American people a tax system that encourages them to work, save, and invest; that rewards their decision to take risks; and which allows them to allocate resources efficiently based on economic rather than tax considerations. Our goal should be to create a Tax Code which balances the necessary revenues of our Government and the equity, efficiency, and simplicity the American people deserve in a fair tax system.

□ 1700

CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. DERRICK] is recognized for 5 minutes.

● Mr. DERRICK. Mr. Speaker, on behalf of Chairman WILLIAM H. GRAY III, pursuant to the procedures of the Committee on the Budget and section 311(b) of the Congressional Budget Act of 1974, I am submitting the official letter to the Speaker advising him of the current level of spending and

revenues for fiscal year 1985. Since my last report, the conference report to accompany H.R. 1869, "Repeal of Contemporaneous Recordkeeping"—loss of \$150 million in revenues—has been ratified by both bodies and signed into law.

The current level is used to compare enacted spending after the start of a fiscal year with the aggregate ceiling on budget authority, outlays, and revenues established in a second budget resolution and enforced by point of order pursuant to section 311(a) of the act. The term current level refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

As with last year, the procedural situation with regard to the spending ceiling is affected this year by section 4(b) of House Concurrent Resolution 280. Enforcement against possible breaches of the spending ceiling under section 311(a) of the Budget Act will not apply where a measure would not cause a committee to exceed its "appropriate allocation" made pursuant to section 302(a) of the Budget Act. In the House, the appropriate 302(a) allocation includes "new discretionary budget authority" and "new entitlement authority" only. It should be noted that under this procedure neither the total level of outlays nor a committee's outlay allocation is considered. This exception is only provided because an automatic budget resolution is in effect and will cease to apply if Congress revises the budget resolution for fiscal year 1985.

The intent of the section 302(a) "discretionary budget authority" and "new entitlement authority" subcelling provided by section 4(b) of the resolution is to protect a committee that has stayed within its own spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on House Concurrent Resolution 280 were printed in the CONGRESSIONAL RECORD, September 25, 1984, H 10190 (H. Rept. 98-1079, page 32).

As Chairman of the Budget Process Task Force, and on behalf of Chairman GRAY, I intend to keep the House informed regularly on the status of current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, June 5, 1985.

HON. THOMAS P. O'NEILL, JR.,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974

to provide estimates of the current level of revenues and spending.

Pursuant to Committee Rule 10, I am herewith transmitting the status report under H. Con. Res. 280, the First Concurrent Resolution on the Budget for Fiscal Year 1985. This report reflects the adopted budget resolution of October 1, 1984, and the current CBO estimates of budget authority, outlays, and revenues.

As with last year, the procedural situation with regard to the spending ceiling is affected this year by Section 4(b) of H. Con. Res. 280. Enforcement against possible breaches of the spending ceiling under Section 311(a) of the Budget Act will not apply where a measure would not cause a committee to exceed its "appropriate allocation" made pursuant to Section 302(a) of the Budget Act. In the House, the appropriate 302(a) allocation includes "new discretionary budget authority" and "new entitlement authority" only. It should be noted that under this procedure neither the total level of outlays nor a committee's outlay allocation is considered. This exception is only provided because an automatic budget resolution is in effect and will cease to apply if Congress revises the budget resolution for fiscal year 1985.

The intent of the Section 302(a) "discretionary budget authority" and "new entitlement authority" subcelling provided by Section 4(b) of the resolution is to protect a committee that has stayed within its spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on H. Con. Res. 280 were printed in the CONGRESSIONAL RECORD, September 25, 1984, H 10190 (H. Rept. 98-1079, page 32).

The attached tables compare actual legislation to each committee's 302(a) allocation of discretionary budget authority and of new entitlement authority.

With best wishes,
Sincerely,

WILLIAM H. GRAY III,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE
OF REPRESENTATIVES FROM THE COMMITTEE
ON THE BUDGET ON THE STATUS OF THE
FISCAL YEAR 1985 CONGRESSIONAL BUDGET,
ADOPTED IN HOUSE CONCURRENT RESOLU-
TION 280

REFLECTING COMPLETED ACTION AS OF JUNE 4, 1985

(In Millions of dollars)

	Budget authority	Outlays	Reve- nues
Appropriate level.....	1,021,350	932,050	750,900
Current level.....	1,015,965	933,359	750,589
Amount Under Ceilings.....	5,385		
Amount Over Ceilings.....		1,309	
Amount Under Floor.....			311

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds \$5,385 million for fiscal year 1985, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 280 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the

current level estimate in outlays for fiscal year 1985, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 280 to be exceeded.

REVENUES

Any measure that would result in a revenue loss for fiscal year 1985, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 280.

Fiscal year 1985 budget authority comparison of current level and budget resolution allocation by committee

(In millions of dollars)

	Current level Budget Authority
House Committee:	
Total current level.....	-5,385
Appropriations Committee:	
Discretionary.....	(-4,497)
Authorizing committee—Discretionary action:	
Agriculture.....	(-90)
Armed Services.....	(+276)
Banking, Finance, and Urban Affairs.....	(...)
District of Columbia.....	(...)
Education and Labor.....	(...)
Energy and Commerce.....	(-4)
Foreign Affairs.....	(...)
Government Operations.....	(...)
House Administration.....	(...)
Interior and Insular Affairs.....	(+2)
Judiciary.....	(+50)
Merchant Marine and Fisheries.....	(+15)
Post Office and Civil Service.....	(+1)
Public Works and Transportation.....	(-713)
Science and Technology.....	(...)
Veterans' Affairs.....	(...)
Ways and Means.....	(+50)

¹ Less than \$1 million.

NOTE.—Committees are over (+) or under (-) their 302(a) allocation.

FISCAL YEAR 1985 NEW ENTITLEMENT AUTHORITY COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE

(In millions of dollars)

Committee	Allocation	Reported	Enacted
Agriculture.....		3,600	
Appropriations.....			
Armed Services.....	1,900	1,500	1,663
Banking, Finance and Urban Affairs.....			
District of Columbia.....		1	1
Education and Labor.....	202	-306	
Energy and Commerce.....		3	4
Foreign Affairs.....			
Government Operations.....			
Interior and Insular Affairs.....		1	1
Judiciary.....			
Merchant Marine and Fisheries.....			
Post Office and Civil Service.....			
Public Works and Transportation.....			
Science and Technology.....			
Small Business.....			
Veterans Affairs.....	402	503	432
Ways and Means.....	40	254	201

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 4, 1985.

HON. WILLIAM H. GRAY III,
Chairman, Committee on the Budget, U.S.
House of Representatives, Washington,
DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated

revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1985 budget (H. Con. Res. 280). This report for fiscal year 1985 is tabulated as at close of business May 20, 1985, and is based on assumptions and estimates consistent with H. Con. Res. 280. A summary of this tabulation is as follows:

(In millions of dollars)

	Budget authority	Outlays	Revenues
Current level.....	1,015,965	933,359	750,589
1985 Budget Resolution, H. Con. Res. 280.....	1,021,350	932,050	750,900
Current level is:			
Over resolution by.....		1,309	
Under resolution by.....	5,385	311	

Since my last report the Congress has cleared the Automobile Recordkeeping Repeal Bill, H.R. 1869, which decreases revenues by \$150 million.

With best wishes,

Sincerely,

RUDOLPH G. PENNER,
Director.

PARLIAMENTARIAN STATUS REPORT, HOUSE SUPPORTING
DETAIL FISCAL YEAR 1985, AS OF CLOSE OF BUSINESS
JUNE 4, 1985

(In millions of dollars)

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds.....	651,994	579,636
Enacted previous session.....	543,411	534,273
Offsetting receipts.....	-184,669	-184,669
Enacted this session:		
Appropriation Bills:		
Appropriations for the MX missile (P.L. 99-18).....		79
Famine relief and recovery in Africa (P.L. 99-10).....	784	289
Legislative Bills:		
Federal Supplemental Compensation Phaseout (P.L. 99-15).....	160	160
Total enacted this session.....	944	528
Total enacted.....	1,011,679	929,768
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Assistance payments.....	23	23
Black lung trust fund.....	25	25
Child support enforcement.....	82	82
Civilian agency pay raise allowance.....	777	803
Coast Guard pay raise allowance.....	25	24
Defense pay raise allowance.....	2,242	2,201
Defense claims.....	20	3
Family social services.....	20	20
Medicaid.....	7	7
Public Health Service officers retirement pay.....	3	2
Range improvements.....	2	2
Readjustment benefits.....	163	156
Salaries of judges.....	5	5
Student loans.....	498	
Supplemental security income.....	5	
Veterans compensation.....	389	241
Total.....	4,286	3,591
III. Continuing resolution authority.....		
IV. Conference agreements ratified by both Houses:		
Total, current level as of June 4, 1985.....	1,015,965	933,359
1985 budget resolution, H. Con. Res. 280.....	1,021,350	932,050
Amount remaining:		
Over ceiling.....		1,309
Under ceiling.....	5,385	

Note.—Detail may not add due to rounding.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. SPRATT] is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, I was obliged for personal reasons to return to my district yesterday afternoon and to miss four rollcall votes on H.R. 1460, the Anti-Apartheid Act of 1985. If I had been present to vote, I would have voted against the substitutes proposed by Representatives GUNDERSON and DELLUMS, against the motion to recommit with instructions, and for final passage.

COYNE SUPPORTS THE MEDICARE AND MEDICAID PATIENT AND PROGRAM PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

● Mr. COYNE. Mr. Speaker, I strongly support the action taken yesterday by the House when it approved the Medicare and Medicaid Patient and Program Protection Act.

Health care professionals who work with Medicare and Medicaid are now licensed by individual States and, as a matter of course, may be licensed by more than one jurisdiction. When a State revokes or suspends a license to operate because an individual does not meet professional standards, that practitioner's ability to practice ends in that State.

Sanctions in one State, however, do not prohibit a practitioner from operating in another State. Indeed, in some instances, State law prohibits actions against a practitioner based solely on another State's sanctions. States willing to act may be unaware of sanctions taken elsewhere and, when made aware, can be slow to act. In some States, the sanction process can take up to 3 years.

Current law also limits the Federal Government in any effort to prevent certain abuses by health care providers. The Department of Health and Human Services can exclude from Medicare and Medicaid participation those health care practitioners who commit acts against the program and program beneficiaries. HHS is not empowered to exclude from program participation individuals convicted of such crimes as fraud, financial abuse, neglect of patients or unlawful distribution of controlled substances. Moreover, HHS cannot impose a nationwide sanction on individuals or entities sanctioned by a State. Most sanctions are thus necessarily limited to State-by-State action.

This situation opens the door to serious abuses of the Medicare and Medicaid Programs as violators fall through the legislative cracks. A comparison of State and Federal sanctions is revealing. From 1977 to 1982, State licensing boards in Pennsylvania, Michigan, and Ohio sanctioned 328 practitioners, more than half of whom failed to meet

professional standards. Meanwhile, the Federal Government, for the period from 1975 to 1982, excluded only 335 practitioners nationwide. Of the 328 sanctioned by the three States, only 15 were also excluded by HHS.

This legislation would change that. Any individual or entity whose license is suspended by a State board would be forbidden to operate in all State Medicare and Medicaid Programs. In addition, HHS could bar from participation persons convicted of criminal offenses related to theft, fraud, embezzlement or financial abuse in connection with health care delivery. Those convicted of certain drug offenses could be barred as well. Individuals or entities convicted of a program-related crime would be excluded from program participation for a minimum of 5 years.

Mr. Speaker, Medicare and Medicaid patients deserve comprehensive protection from abuses, which is why I voted in favor of passage of the Medicare and Medicaid Patient and Program Protection Act.

THE HISTORIC SITES ACT: FIFTY YEARS OF SERVICE TO PRESERVATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BUSTAMANTE] is recognized for 5 minutes.

Mr. BUSTAMANTE. Mr. Speaker, American history lives throughout the United States today. Across the country stand living reminders of our Nation's past—Jamestown, Gettysburg, Valley Forge, Fort Davis and many others. By visiting these historic sites, we learn about the people, the events and the values that shaped our country. These national treasures have been preserved for us, for our children and for generations to come.

The Historic Sites Act of 1935 was vital to the preservation of historic places in our country. Fifty years after its enactment, the U.S. Government has custody of nearly 200 historic sites in the National Park System. Through the National Historic Landmarks Program and the National Register of Historic Places, the National Park Service encourages public and private partnership in the preservation effort, preserving places important in American history to its national policy.

Prior to enactment of the Historic Sites Act, Congress had acted to care for particular historic sites, such as important battlefields of the Revolution and the Civil War. The Antiquities Act of 1906 enabled Presidents to designate certain prehistoric and historic sites on the public domain as national monuments. These actions were initial steps in the effort to preserve our national heritage. At the same

time, with the pace of national development rapidly increasing, these actions failed to protect the vast majority of nationally significant places.

Concerned citizens and officials recognized the need for quick, decisive action. In the U.S. Congress, Senator Harry F. Byrd of Virginia, and Congressman Maury Maverick of Texas introduced a bill early in 1935 to address this national need. Congressman Maverick, a first-term Congressman from Texas, was determined to get San Jose Mission declared a nationally significant site. Surely he would be pleased if he knew that Mission San Jose and three other missions in the San Antonio area are now part of a national historical park.

On August 21, 1935, President Franklin D. Roosevelt signed the Historic Sites Act into law. The act states that it is "a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States." The act gave broad authority to the Secretary of the Interior to initiate and oversee preservation activity. It directed the Secretary of the Interior, through the National Park Service, to record and document historic structures with drawings and photographs. The National Park Service had already begun this work in 1933, and the Historic Sites Act gave legal authority for continuation of the Historic American Buildings Survey and, later, the Historic American Engineering Record.

The Historic Sites Act also called for a nationwide survey to identify sites significant to U.S. history. The purpose of the survey was to identify those places having exceptional value as commemorating or illustrating the history of the United States. This national survey laid the foundation for the National Historic Landmarks Program and the National Register of Historic Places. In 1966, these programs were expanded once again to include sites significant to State and local history.

The Historic Sites Act of 1935 further authorized the Secretary of the Interior, with certain restrictions, to acquire, restore, and manage properties and to assist others in doing the same. It enabled the Secretary to build and maintain museums at historic sites in order to educate the public about their significance.

Finally, the act established what is now called the National Park System Advisory Board, a body of concerned citizens with expertise in cultural resources and other park-related disciplines.

The 1935 Historic Sites Act laid the groundwork for future preservation efforts. It fostered numerous statutes adding particular sites to the National Park System. The 1949 legislation creating the National Trust for Historic

Preservation was created "to further the policy enunciated in the Historic Sites Act." The National Trust was designed to acquire historic properties and promote citizen involvement in preservation efforts.

Fifty years after its passage, the Historic Sites Act retains its importance. The Historic Sites Act directs the National Park Service how to manage historic properties. It guides the Park Service in carrying out the Historic American Buildings Survey, the Historic American Engineering Record, and the National Historic Landmarks Program. The National Park System Advisory Board continues its important role in bringing professional guidance and public involvement to these and other service functions. Above all, the act remains vital for its fundamental policy statement of Federal concern for the Nation's heritage.

I have introduced legislation, House Joint Resolution 299, to recognize the Historic Sites Act for its significant contributions over the past 50 years to the identification and protection of the Nation's cultural heritage. I urge my colleagues to join me in this commemorative tribute by cosponsoring this House joint resolution.

FIRST ANNIVERSARY OF THE GOLDEN TEMPLE INCIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FAZIO] is recognized for 60 minutes.

Mr. FAZIO. Mr. Speaker, today marks the 1-year anniversary of the Golden Temple incident which led to a wave of violence in India in which thousands of Sikh men, women and children, and hundreds of Hindus perished.

I rise today, Mr. Speaker, not to condone the Sikh extremists led by Jarnail Singh Bhindranwale, whose provocative actions were at least partially responsible for the Indian Army's eventual attack on the Golden Temple. Acts of terrorism by anyone, by either Sikh or Hindu extremists, are deplorable and immoral.

Violence and terrorism have no legitimate role in the settlement of the issues of sectarian, religious, and political difference which divide these two great peoples of India.

I rise today, Mr. Speaker, because many Sikhs, particularly those outside of India, have a number of questions about the incident which even today remain unanswered. For example, Mr. Speaker, why has the Indian Government failed to allow any outside group, including representatives of internationally recognized human rights organizations, to conduct an independent inquiry into the events which led up to the attack on the Golden Temple?

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A group of my colleagues—a bipartisan group, I might add—and I requested permission to travel to the Punjab nearly 8 months ago, but our request was turned down.

Why, Mr. Speaker, did the Indian Government choose to attack the Temple on a holy day, when others besides extremists might be inside the Temple? What of allegations that the Indian troops in some fashion desecrated rare manuscripts and other items of religious, historical, or cultural value at the Temple?

Further, Mr. Speaker, very serious questions remain about the violence which occurred throughout India following the assassination of Mrs. Gandhi. Was the violence which claimed the lives of thousands of Sikhs, the result of a spontaneous expression of "madness" or "grief and anger" by the Hindu majority? Or were the riots, the arson, the murders the result of an organized plot against the entire Sikh community? Why has the Government failed to launch an official inquiry of the incident?

These are among the questions which remain unanswered in the minds of many Sikhs, including many of my constituents. They should be addressed.

Mr. Speaker, I also rise today to stress my firm belief that all parties, including the Sikhs and the Indian Government, should recommit themselves to restraint and condemn all acts of violence and terrorism whenever they occur. The only settlement which can have any lasting meaning is one that is achieved through peaceful, political negotiations conducted in good faith between the Sikh community and the Indian Government.

There is no room for violence and terrorism in such a process. These can only serve to undermine a true and lasting peace between all the peoples of India.

With this in mind, I urge Prime Minister Rajiv Gandhi and his Government to strengthen their efforts to reach a negotiated settlement to ensure that the rights of the Sikh minority are protected. The basic religious and political equality of the Sikh people must be preserved under the law through dialog and agreement.

Finally, Mr. Speaker, I would like to applaud the courage of Prime Minister Gandhi for proceeding with his plans to come to the United States next week despite the threat against his life. As you know, that plot by a small band of extremists was foiled by the Federal Bureau of Investigation. I know that Sikhs throughout the world were shocked and outraged at the revelation of this latest assassination plot. We are very fortunate that the FBI was able to uncover the plot before it succeeded and further imped-

ed the achievement of a just and lasting peace between all the peoples of India.

I think there is no one in the body who feels more strongly about the basic validity of the democratic institutions that are the firm foundation of the State of India, but I do believe that it is important for people throughout the world to express their concerns about human rights violations when they occur against obvious religious and ethnic minorities anywhere in the world.

I certainly mean by my comments today to provide no disservice to the ongoing effort to bring together the disparate peoples of India in one united country, but I do believe that I have a responsibility in representing my constituents and we as an institution have a responsibility in looking to human rights abuses whenever and wherever they occur, and simply by asking for further clarification and investigation, we today reaffirm our desire to see the Indian people and their government further their goals and achieve the purpose with which that country was founded almost 40 years ago.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I am happy to yield to my friend, the gentleman from California [Mr. LEWIS], whom I know to be an expert on Indian affairs, having traveled there and lived there at an earlier time in his life.

Mr. LEWIS of California. Mr. Speaker, I thank my colleague for yielding.

I say to my friend, the gentleman from California [Mr. FAZIO], that I think it is most important that he raise this question and this concern before the House today. As the gentleman mentioned, Prime Minister Gandhi will be in the United States next week and will be addressing a joint meeting of the House.

The gentleman also mentioned that I spent a little time in India myself. Indeed, as a student at UCLA, I had the privilege of participating in a program called Project India that sent a number of our young people from our campus to Southeast Asia to travel through India. We spent a lot of time with our peers, college students, in 1955 and 1965.

It was my privilege on my first visit to have an opportunity to talk with now Prime Minister Gandhi when he was also a student. I can say from personal knowledge that he is an individual who is committed to democratic principles, an individual who would reflect similar concerns that the gentleman has expressed here.

It is very, very clear that one of the fundamentals of the democratic system is a recognition of the values of tolerance, of caring for the fundamental freedoms of peoples. Freedom of religion, of course, is basic to that.

For those many, many Sikh citizens who now are living in this country and who have contributed so much to that new thrust of American life, I am sure that they, too, would want to express their concerns and join with the gentleman in the concerns that he has mentioned here on the floor.

In the last several days I have had an opportunity to talk time and again with our colleague, the gentleman from California [Mr. CHAPPIE], who has a number of Sikh citizens living in his district who have been most concerned about developments in Southeast Asia. It seems to me that what we are really attempting to do here is to communicate to what is now the world's largest democracy our concern that all of us share, with a balance of support for all the fundamentals of the democratic process.

Mr. Gandhi's visit here, I personally believe, will add a great deal to that. The gentleman's comments on the floor will, I think, in a very special way express the interest and concern the House has concerning this very critical and fundamental matter.

Mr. Speaker, I appreciate my colleague's yielding.

Mr. FAZIO. Mr. Speaker, I appreciate my friend's comments, and I certainly want to associate myself with them, particularly with his latter remarks. I look forward very much to Mr. Gandhi's visit. I think it is important to the mutual relationships that exist between these two democracies.

Having studied Asian history as a student in college, I certainly have a very great belief that democratic institutions have taken root in the subcontinent and are going to flourish through the years. They do have some very difficult challenges in integrating the vast array of religious and ethnic groups that make up that very polyglot and disparate state. None of us in this country should in any way, despite our own heritage, underestimate the difficulty of that task.

But the Sikh community is a very vibrant community, both economically, socially, and intellectually. It exists all over the world. It is a pillar, I think, not only of Indian economic progress but is a true believer in democracy in India.

I simply would like to highlight the need that that community has to be given the opportunity to find some areas of independence and autonomy, perhaps at the local level, where they have large numbers in certain provinces, as in the Punjab area, and where I think their interests must be given full consideration by the Indian Government as it attempts to develop its system of federalism.

Mr. LEWIS of California. Mr. Speaker, will my colleague yield further to me?

Mr. FAZIO. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, let me say further to the gentleman from California [Mr. FAZIO] that recently I had the opportunity in visiting the district of the gentleman from California [Mr. CHAPPIE] to talk with a number of people about the problems of the Sikh community as they are making a new kind of contribution to the world of democracy here in our country. It truly is incredible to see the contributions that have been made to our democratic society by those who are immigrating to us in this generation. They are among the most intelligent, the most industrious, and in some cases the most prosperous. The Sikh community that is an American community is making a phenomenal contribution.

Beyond the economic progress that they have seen and made and the contributions they have made to our individual communities, it is fascinating for me to see them now reaching out and attempting to express once again their support for democratic principles that go way beyond their own personalized interests today, that is, their individual interests, their family interests, and perhaps even their selfish interests. They, too, are saying that "democracy works here, it works in India, and let us just make it all the better."

Mr. FAZIO. Mr. Speaker, I appreciate the gentleman's comments.

I think the reason we are here today holding up the interests of the Sikh community is because in this country, where they have flourished, where they came originally as farmworkers and railroad workers, they have attained the status of professional and people active in the academic world and in the sciences. And, additionally, of course, they are some of the most successful farmers in the American agricultural community.

They have reaffirmed their interest in the democratic institutions, and they have learned how to use them. I think the efforts we are putting forth in the House of Representatives today testify to their sophistication and understanding as to how the world works and what role this institution may play in moving Indian policy perhaps in the direction of accommodating their concerns, which I think are legitimate concerns, about the temple massacre. And that, I think, for all of us is a question that needs some very real answers and attention given to it by the Indian Government.

Mr. Speaker, at this point I include articles from Time, Newsweek, and the New York Times concerning the temple massacre and the plot to assassinate Prime Minister Gandhi, as follows:

INDIA: SLAUGHTER AT THE GOLDEN TEMPLE

The elegant marble-floored courtyard of the gilded Golden Temple in Amritsar was strewn with bodies and blood. The once

serene and peaceful 72-acre temple complex, the holiest shrine of the Sikh religion, stood scarred and bruised after 36 hours of fierce fighting between militant Sikhs and Indian government troops. In sweltering heat and the dust of the battle's aftermath, black crows and vultures perched on the temple's balustrades in search of grisly carrion. For the first time in the 400-year history of the Golden Temple, the 24-hour prayer vigil had ceased.

The most fanatical leader of Sikh extremists, Sant Jarnail Singh Bhindranwale, 37, who had provoked the violence, lay among the dead. Just weeks before, he had vowed to defend to the death his supporters' demands for increased religious and political autonomy. "Let them come," he had said. "We will give them battle. If die we must, then we will take many of them with us."

In ordering her troops to storm the temple, Prime Minister Indira Gandhi took her biggest political gamble since she declared a national emergency in 1975. Last week's decision could add to the turmoil of a nation already torn by violence. Some Indian commentators voiced fears for the future of the world's largest democracy. "What happened inside the Golden Temple is a turning point in India's modern history," said the eminent Sikh Historian Khushwant Singh. But Mrs. Gandhi apparently felt she had no choice but to attack. Bhindranwale and his followers had stockpiled guns, rifles, antitank missiles, rocket launchers, hand grenades and mortars inside the temple, in grim contrast to the shrine's jewel-like chambers and cupolas. The defenders' stiff resistance ended in slaughter: 259 Sikhs and 59 soldiers killed, an additional 90 Sikhs and 110 soldiers wounded. Unofficial figures placed the dead at more than a thousand.

At week's end the violence had not yet subsided, and the Indian army extended its 24-hour curfew in most of the northwestern state of Punjab. Several hundred Bhindranwale loyalists who had managed to escape the siege of the temple continued to wage hit-and-run attacks against troops in Amritsar. They also looted shops, set fires and killed civilians. An additional 100 Sikh extremists surfaced in Rajasthan, a state near the Pakistani border, where they called upon Sikh members of the army to rebel. Some of them did defect, while other Sikhs apparently donned army uniforms in an attempt to infiltrate and disrupt the front-line troops that shield India against potential attacks from its bitter enemy, Pakistan. The rebellion was swiftly quashed.

Agitation by both moderate and extremist Sikh factions over the past two years had brought violence in Punjab to alarming levels. In the past four months alone, more than 300 people had died in Sikh-inspired violence. At the same time, tensions from last month's rioting among Hindus and Muslims in Bombay had built to such a degree that politicians began questioning Mrs. Gandhi's control over the country. There was speculation that further instability could cause her governing Congress (I) Party to suffer a serious setback in the national elections scheduled to be held by next January.

Sikh outrage at the assault on the temple echoed throughout India and around the world. Ignoring curfew laws, hundreds of Sikhs rioted in Punjab; they also caused havoc in a number of Indian cities. In New Delhi angry Sikhs demanded Bhindranwale's body for cremation and vowed to keep his legend alive. "If one Bhindranwale

dies," Sikhs at a New Delhi demonstration shouted, "a thousand are born." Two militants brandishing swords attacked the Indian consulate in Vancouver, Canada, leaving it a shambles. Security was increased around Indian missions in the U.S., Canada, Britain, West Germany, The Netherlands and Denmark, where there are significant Sikh populations.

The crisis came to a head when, in an effort to press home its demands for religious and regional autonomy, the Sikhs' Akali Dal Party announced that it would begin to block grain shipments to the rest of India from Punjab, which is the nation's breadbasket. The action would have cut off 65% of the country's crucial grain reserves, threatening widespread famine.

Three days before the attack, Mrs. Gandhi made an urgent appeal on national radio and television to all Sikhs to end their agitation. She outlined a framework for a settlement. "Let us sit around the table and find a solution," she pleaded. She had already agreed to most of the Sikh demands for religious autonomy and was willing to amend the constitution to distinguish Sikhs from Hindus. But Mrs. Gandhi felt that if she gave in to the Sikh demand for political autonomy, she would risk a Hindu backlash.

On Sunday the government ordered a 24-hour curfew, and told all journalists and photographers to leave Punjab. (Authorities later confiscated the film of those who had refused to comply.) Roads across the state borders and the airports were closed, trains and buses stopped running, and telephone and telegraph wires were cut. The usually thriving Punjab came to a halt, cut off from the rest of the world. About 4,000 government troops surrounded the Golden Temple and ordered out the 3,000 Sikhs who live there, as well as the crowds that enter daily for worship. Many heeded the warnings, but 1,000 extremists defiantly remained inside the temple.

Bhindranwale held out in what is described as "the throne of the timeless" in the temple's basement. His loyal followers took up positions they had been fortifying for months with sandbags, steel armor and bricks. When army troops finally stormed the defenses Tuesday evening, they met heavy resistance from rockets and machine-gun fire. Pinned down by a far superior, better-armed force than they anticipated, army troops called for reinforcements of tanks and artillery. After six hours, the machine guns fell silent and army sharpshooters closed in, backed up by troops with bayonets. When army troops finally stormed the basement, they found the bullet-riddled bodies of Bhindranwale and his two top lieutenants.

Bhindranwale's death was in the proud, warring tradition of Sikhism. The religion was founded in the 15th century as a monotheistic synthesis of Hinduism and Islam. Sikhs believe in having a direct, personal relationship with God, rejecting Hindu idolatry and the caste system. True Sikhs do not smoke, and the men do not cut their beards or hair, believing that spiritual power flows through long hair. India's 15 million Sikhs are known for being ambitious, hardworking and hospitable. Their gurdwaras, or holy places, throughout India offer free lodging and food for any traveler who happens by.

Industrious and ambitious, the Sikhs have turned Punjab, one of the few areas in which they form a majority, into a model of agricultural efficiency, thereby helping make India self-sufficient in wheat. Sikh politicians are demanding economic im-

provements from the central government, such as higher wheat prices and more investment in Punjab. Some Sikhs want a form of regional autonomy that would give to Punjab authority in all areas of state government except currency, railways, communications and defense. Others want the city of Chandigarh, which is also the capital of the neighboring Hindu state of Haryana, to be designated exclusively as Punjab's political capital.

The defiant and charismatic Bhindranwale, known to his followers as "the guiding light," emerged in 1978 as the most radical of the Sikh leaders. He possessed a mythic sense of his own destiny and claimed from an early age that he was fated to lead the Sikhs in their struggle for autonomy. Gradually distancing himself from the more moderate Akali Dal, Bhindranwale began in 1981 to use holy places as sanctuaries and military training grounds for Sikh fundamentalists rallying around him. The tall, lean leader always wore a sword as well as a .38 Smith & Wesson revolver on a gun belt with silver bullets. He preached that Sikhs were a religious group apart from Hindus and Muslims, with a divine destiny to rule themselves and escape the corrupt influences of Hindu and Western values.

By ordering the assault on the temple, Mrs. Gandhi has placated critics who accused her of dangerous inaction on Sikh terrorism. But she has seriously harmed her standing with moderate Sikhs who did not support Bhindranwale's fanaticism although they revered the Golden Temple as a shrine of peace. "I don't understand why Mrs. Gandhi gave the order," said Historian Singh. "We had been given assurances that there would never be an armed intervention, but they have gone back on their word. No serious Sikh can entertain thoughts of talking to Mrs. Gandhi now." Only through cautious maneuvering and concessions to moderate Sikhs, it seems, can Mrs. Gandhi hope to heal the wounds left by last week's attack and preserve, indeed strengthen, her country's unity.—By Laura López. Reported by Dean Brellis/New Delhi

THE GOLDEN TEMPLE SHOOT-OUT

The darkness of night had faded. Like a shroud, the heat of June began to settle over the Golden Temple of Amritsar. Inside the holiest shrine of India's 14 million Sikhs,¹ 500 extremists said their prayers and checked their weapons. Their leader was Jarnail Singh Bhindranwale, a fiery preacher and terrorist in a turban; their demand was to carve an independent Sikh nation out of the Punjab, and they meant to have it or die. Outside, hundreds of Indian commandos drew closer. Just before sunup they made their attack. Running, crawling, seeking whatever cover they could find, they tried to dislodge the defenders without destroying the temple's inner sanctuary. But they felt compelled to attack the Akal Takht, the Sikh Vatican. Seven tanks bombarded the three-story structure—and in the smoking ruins, the government forces found Bhindranwale's bloody corpse.

The spasm of violence took 420 lives, 350 among the Sikhs and 70 soldiers. With that quick costly blow, the government of Prime Minister Indira Gandhi hoped to break the drive of the radical Sikhs to form a separate state—Khalistan, the Nation of the Pure.

¹ A 15th-century offshoot of Hinduism and Islam, Sikhism frowns on the caste system and stresses monotheism, individual morality and martial valor.

Most Indians supported the attack, and even many Sikhs, who constitute fewer than 2 percent of India's 750 million population, reluctantly accepted the necessity for military action. But the Army imposed only a sullen peace on the Punjab, the cultural center in Sikhism. And in New Delhi, Jammu and Srinagar, Sikh militants took to the streets in riots that left 11 dead, further inflaming the religious and ethnic hatreds that have weakened India ever since independence.

The showdown at the Golden Temple was a convulsion worthy of Kipling. It had been building for years. The Akali Dal, the Sikh regional party, has long pressed the Indian government to grant it greater autonomy in the Punjab. And frustration had driven hotter heads among the Sikhs to terror. Three years ago a group of assassins gunned down newspaper editor Jagat Narain, a leader of the Hindus in the Punjab. Bhindranwale, the obscure leader of a group of armed Sikh fundamentalists, was arrested after the shooting. The police quickly freed him after his followers went on a killing spree in protest, and Bhindranwale's reputation was made. Members of Gandhi's predominantly Hindu Congress (I) Party had previously used him for their own purposes. Hoping that he would split the moderate Akali Dal with his unacceptable secessionist demands, they covertly provided him with support.

But with the killing of the editor, it was clear that the plan had succeeded too well. Brandishing a silver arrow as a symbol of religious authority, Bhindranwale quickly augmented his armed band with unemployed youths eager for a cause. The self-proclaimed holy man whipped his followers into a such a lather of zealotry that bands of terrorists began roaming throughout the lush Punjabi countryside, randomly attacking Hindus, including women and children. As the Hindus retaliated in kind, the body count rose to more than 400, and business and agriculture slowed.

Daggers.—To avoid a second arrest he and his private army took refuge in the Golden Temple. He shared the place with Sant Harchand Singh Longowal, the moderate leader of the Akali Dal. It might have been wiser for the government to have ejected the extremists earlier, before, their defenses were complete. But Gandhi settled on a strategy of letting the crisis fester until she could be sure that the rest of the country would support an attack on a religious shrine. For a time, she even seemed conciliatory. She ordered the release of Sikh political prisoners, granted the traditionally martial Sikhs the right to carry daggers on domestic Indian Airlines flights and pledged to refer other, more substantive, demands to special tribunals. Clearly, however, Bhindranwale had no intention of being appeased; his goal was to provoke so much violence that the majority of Sikhs would be forced to close ranks and support his struggle for an independent state. The crisis might have boiled over two weeks ago when terrorists inside the temple engaged local paramilitary forces a series of gun battles. But even then, Gandhi refused to order a siege.

What finally triggered the attack was the call by both Bhindranwale and more moderate Sikhs for an economic blockade of the Punjab. Among other things, they asked the Sikhs to block roads and disrupt train service, gestures that would have cut vital grain shipment from the region. Faced with the threat of food shortages throughout the rest of India, Gandhi went on national tele-

vision and radio. "Don't shed blood," she pleaded with the separatists. "Shed hatred." Finally she began to use a sterner tone. "No government can allow violence and terrorism any premise in the settlement of issues." She said "Make no mistake about this." Even as she was broadcasting her hourlong appeal, the Indian Army was sealing off the Punjab: not a bicycle, not a bullock cart, no trains, buses or cars moved. The government imposed an around-the-clock curfew. No citizens were allowed to cross the border and all foreigners, including reporters, were expelled under the Foreigners Act.

Taut Nerves.—The government's greatest fear was that a careless assault would enrage moderate and extremist Sikhs alike, increasing separatist pressures rather than curbing them. The attack was planned with great caution. To underscore the secular loyalty and strength of the Army, Gandhi put an Indian Muslim in charge of the special commando unit assigned to confront Bhindranwale; but she also took care to include four Sikhs among the top six military commanders leading the operation. Sikhs make up a good segment of the Indian officer corps. From New Delhi, a crack commando unit of 500 soldiers trained in anti-terrorist operations flew to Amritsar. As nerves drew taut, 5,000 troops ringed the temple complex, blocking all supply and escape routes. Another 5,000 enforced the curfew in the city. Sharpshooters were posted at vantage points overlooking the Golden Temple. The Army cut off food, water and electricity to the temple and settled in for a prolonged siege.

The defenders had stashed away enough supplies to last several weeks, including a generator to provide electricity. Shuhbeg Singh, a renegade former Indian Army general skilled in guerrilla warfare, had assembled an extensive arsenal to be used in any confrontation with the government. Among the weapons he purchased—chiefly from Pakistan—were five medium machine guns, 20 to 25 light machine guns, thousands of rifles, 50 sten submachine guns, antitank missiles, rocket launchers and Israeli-made bulletproof vests. The terrorists built sandbag bunkers along the marble walls of the temple and set up mortars and machine guns on top of the clock and water towers. Then they hunkered down for a siege.

From New Delhi, a central command task force composed of Gandhi and her top advisers, including the home and defense ministers and the security chief, ordered the Army not to harm the Harmandir Sahib, the sanctuary that houses the most sacred writings of the Sikhs. Over loudspeakers, Army officers begged the terrorists to give up quietly and without bloodshed. Several hundred Sikhs eventually came out carrying white flags. Longowal and a number of other moderates from the Akali Dal also left with their followers. But Bhindranwale and his band of 500 stayed put for a fight to the death.

"We went in not in anger but in sadness," said Lt. Gen. K. Sunderji, "We went in with prayers on our lips and reverence." The Golden Temple was set in the middle of an artificial lake. It could be approached only by a narrow causeway that deprived the troops of cover. As they scrambled over the marble bridge, they were sitting ducks. Fifteen soldiers fell dead as snipers picked them off one by one. "We've never come under such heavy fire," said one Army commander.

One government soldier who did manage to crawl his way across the causeway was

picked up by Bhindranwale's men. The terrorists tied him up with sticks of dynamite, then forced him out into the full view of his comrades in arms. The terrorists lit the fuse and the soldier was blown to bits. That gruesome sight drove the soldiers into a frenzy. Braving the exposed causeway, the government commandos attacked in waves.

The fight proved to be a mismatch. Seven tanks clanked into the compound and pounded the Akal Takht, Bhindranwale's last redoubt. The raiders found his body in the basement of the ruined building. There were two bullet holes in his head. Beside him lay his right-hand man, Amrik Singh, who had a leg wound and a bullet hole in his skull. Powder burns singed the head wounds of both men. The burns suggested that they had carried out a suicide pact: Amrik Singh apparently shot Bhindranwale, then took his own life.

Meanwhile, simultaneous attacks were taking place at more than 40 other Sikh temples through the Punjab. The assaults were successful. But to the extent that Bhindranwale's goal had been to force the Sikhs into a new awareness of their separate cultural and religious identity, he had amply succeeded. "You can't begin to understand our reactions," insisted one Sikh, "unless you think in terms of the Vatican being besieged and overrun by Storm Troopers."

Such feeling is bound to create a thirst for vengeance. Sikh farmers may now withhold shipments of grain, and unless some new moderate leader comes forward, other Sikhs seem certain to renew the terrorist campaign. Even Gandhi blamed the Akali Dal for failing to counter the terrorist threat. But the scapegoating did nothing to help moderate Punjab Sikhs develop an effective spokesman for their political, religious and economic claims. As a result their grievances may deepen.

Riots.—The affair did offer some short-term gains for Gandhi, who must hold general elections by January. In failing to attack while the terrorists were arming themselves, she undoubtedly increased the ultimate bloodshed. But by waiting until the situation was plainly intolerable, she ensured that almost all of India would back her. She needs that popular support not only to win elections but to restore order in many other troubled regions of India.

Fierce rioting between Hindus and Muslims led to more than 200 deaths in the squalid slums of Bombay last month. And in the northeastern Indian state of Assam, where some 5,000 people died in Hindu-Muslim riots last year, it is still tense. Clearly these atavistic lurches are a threat to the central Indian government, and only the central government can bring them under control. Over the longer run, however, populations are seldom won over by military presence alone. If the Punjab—the bread basket of the world's most populous democracy—becomes a center of sectarian violence and government repression, other areas of India may follow. And if they do, ethnic hatred could once again threaten the country's future.

(Harry Anderson with Patricia J. Sethi and Sudip Mazumdar in New Delhi and bureau reports.)

[From the New York Times, May 14, 1985]

**FBI SAID TO FOIL SIKH PLOT TO KILL
GANDHI IN THE UNITED STATES**

(By Susan F. Rasky)

WASHINGTON, May 13.—The Federal Bureau of Investigation said today that it had foiled a plot by Sikh terrorists to assassinate Prime Minister Rajiv Gandhi of India during this visit to the United States next month.

William H. Webster, director of the F.B.I., said in a statement here that the bureau had penetrated a plan to "train a group of Sikhs in the use of fire arms and explosives" and that the group had been planning "guerrilla type operations against the Government of India."

In addition to the purported plot against Mr. Gandhi, Mr. Webster said, the Sikh terrorists had also planned to assassinate Bhajan Lal, Chief Minister of the Indian state of Haryana, who was in New Orleans for medical treatment at the Louisiana State University Eye Center.

FIVE DETAINED IN NEW ORLEANS

Five of the seven men identified by the F.B.I. as part of the purported conspiracy are in custody in New Orleans. The two others are still being sought in the New York area.

Mr. Gandhi is scheduled to begin a state visit here on June 11. The State Department said today that it did not expect any changes in his schedule as a result of the disclosure by the F.B.I.

Mr. Gandhi is the son of Prime Minister Indira Gandhi, who was assassinated last Oct. 31 at her residence compound in New Delhi by two of her Sikh bodyguards. Her assassination touched off a wave of rioting in which 3,000 people were killed.

MORE AUTONOMY SOUGHT

The Sikhs, who number 13 million out of India's 750 million people, are demanding more autonomy in the Punjab, their home region.

At least 80 people were killed and 150 were wounded in bomb blasts on Friday and Saturday in Punjab and other northern states. In New Delhi today, sporadic violence was reported in a strike called by the opposition to protest what it said was the Government's failure to prevent the attacks. [Page A11.]

State Department and F.B.I. officials declined to speculate on whether the alleged conspirators named today were directly linked to the recent actions in India. A State Department spokesman said Sikhs in this country had not been singled out for special attention before Mr. Gandhi's visit.

FORMER "SEAL" IS INFORMANT

The purported plot was outlined in an affidavit filed in the United States District Court in the Eastern District of New York by the F.B.I. and the Secret Service. The affidavit identified the source for the information as "a former U.S. Navy 'Seal' who has been known to the F.B.I. for five and one-half years."

In a separate indictment issued last Thursday, a Federal grand jury in New Orleans accused five Sikhs of plotting to kill the Chief Minister of the Indian state of Haryana. Four of the purported conspirators were arrested by the New Orleans Police Department on May 4 on the sidewalk outside of the hotel where Mr. Lal was staying. The fifth was arrested by F.B.I. agents on Sunday.

An affidavit detailing the circumstances of the purported assassination plot named

Thomas Norris, a special F.B.I. agent, as an undercover agent who had been in contact with one of the Sikhs involved in the New York case. Officials at the United States Attorney's office in Brooklyn refused to confirm or deny that Mr. Norris was the operative.

The undercover operative, who is referred to throughout the document as "A," is described as a recipient of the Congressional Medal of Honor for his service in Vietnam and as "an expert in urban guerrilla warfare, including the use of explosives and automatic weapons."

The affidavit alleges that Gurpartap S. Birk, Lal Singh and Ammand Singh conspired to kill Mr. Gandhi, to take part in a military expedition against India, and to receive machine guns and plastic explosives. Mr. Birk and Lal Singh are also accused of attempting to solicit another individual to kill Mr. Gandhi.

According to the United States Attorney's office in Brooklyn, Mr. Birk, 33 years old, is a resident of Brooklyn and an engineer employed by Automated Tolls Inc. in Mount Vernon, New York. The two men still being sought by the F.B.I. are Lal Singh, 25, who was identified as a resident of Queens, and Ammand Singh, for whom authorities said they had no further identification.

According to the affidavit, the undercover operative was introduced to Mr. Birk and Lal Singh at a hotel room in New York City and posed as "someone from the state of Alabama with expertise in explosives and weapons."

BOMBING PLANS DISCLOSED

The affidavit charges that at that meeting the two men told the undercover operative that they represented a group whose purpose was to "cause the revolutionary overthrow of the present Government of India" and that they intended to do so in part by creating "a loss of confidence in the present Indian Government through the bombing of strategic locations in India." These locations allegedly included a nuclear power plant, bridges, hotels and government or public buildings.

At the same meeting, according to the affidavit, the two men also asked the undercover operative to provide their group with military type training in the United States, specifically in the use of explosives and automatic weapons, chemical warfare and urban guerrilla tactics. The affidavit said the two also asked if the undercover operative could obtain C-4 plastic explosives and machine guns to be smuggled into India for the group's use and false United States passports to facilitate entrance and exits from India.

The January meeting and two subsequent encounters with the undercover operative were monitored with electronic surveillance equipment, the affidavit said.

At a news conference in Brooklyn today, Raymond J. Dearle, the United States Attorney for the eastern district of New York, said no explosives or weapons were passed to the alleged terrorists by the undercover operative and no money changed hands.

The affidavit detailed two other meetings between the undercover operative, Mr. Birk, Lal Singh and on these occasions Ammand Singh. At a meeting on Feb. 20 in a hotel in Westbury, L.I., the affidavit said, the undercover operative asked how much explosives the group needed. According to the affidavit, Mr. Birk replied, "Enough to blow up a bridge the size of the Triboro, Brooklyn or Queensboro Bridge and also enough for a large 36-story building."

Mr. Birk allegedly told the undercover operative that his group also wanted to be supplied with the Ingram 9-millimeter Mach-10, a type of machine gun, and eventually would need grenade launchers. The affidavit said the undercover operative replied that he could supply such items.

At the same meeting, Mr. Birk also purportedly presented the undercover operative with seven photos of male Indians and asked if false United States passports could be obtained for them. Among the photographs were those of Mr. Birk, Lal Singh and Ammand Singh, the affidavit said.

The affidavit described a third meeting, on April 27, in which the undercover operative and Mr. Birk and Lal Singh drove to "a location in Columbia, New Jersey" that had allegedly been selected by the two Sikhs as a training site for the group's activities. According to the affidavit, Mr. Birk and Lal Singh told the undercover operative that their group was looking for someone to assassinate Prime Minister Gandhi during his trip to the United States.

The undercover operative then suggested three possible plans for such an assassination and discussed the details, costs and risks of each with the two men. The affidavit said the two Sikhs then selected one of the plans and told the undercover operative to begin putting it into action, with details to be worked out later.

The affidavit said the two men told the undercover operative that training would begin at the New Jersey site on May 6 and that he should have the explosives they had requested available then.

Mr. Birk, who was arrested in New Orleans on May 4, was indicted along with four other Sikhs in connection with the alleged plot against the Chief Minister of Haryana. The other four men were identified as Virinder Singh, 25, of New York City, Jasbir Singh, 25, of Manhattan, Sukhwinder Singh, 25, of the Bronx and Jatinder Singh Ahluwalia, 29, a cab driver in New Orleans.

● **MR. KOSTMAYER.** Mr. Speaker, as a member of the Foreign Affairs Committee, I want to bring to my colleagues' attention the matter of human rights in India. Today marks the 1-year anniversary of the invasion of the Sikh Golden Temple in Amritsar and so it is particularly timely to briefly review the events of that calamity.

Many of the allegations of human rights violations committed against the Sikhs occurred during and following the Indian Army's invasion of the Golden Temple. After the invasion, the Indian Army remained in Punjab as the highest legal authority, sharing power with the President who had been ruling Punjab without an elected ministry. The Army and the President denied Punjabi citizens basic legal rights despite the fact that the Indian constitution guarantees those rights and prohibits discrimination based on religion, caste, or place of birth.

The U.S. State Department reported that the bodies of many of the Sikhs killed in Punjab bore signs of torture. The whereabouts of some Sikhs arrested in Punjab since June 1984 remain unknown. Many villagers report that the army conducted search

and cordon operations in which males between the ages of 15 and 35 were taken away without any information of their whereabouts given to their families.

The Sikhs also allege that during the army's June 5 invasion of the Golden Temple several young students were arrested and held as "risks to the country's security" for 4 months. They were detained in an Indian Army prison and then in a Punjabi jail before the supreme court intervened to set them free.

I believe human rights for all people, despite their political or religious affiliation, must be held as the highest priority in India and in every country. I call on my colleagues to join me in urging the Indian Government to restore those rights to the citizens of Punjab without delay. ●

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the subject of my foregoing special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1720

ORDER OF BUSINESS

Mr. DREIER of California. Mr. Speaker, I ask unanimous consent to take my 5-minute special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE FUTURE OF THE SMALL BUSINESS ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER of California. Mr. Speaker, today the Small Business Committee began marking up Chairman MITCHELL's bill, H.R. 2540, to authorize funding for the Small Business Administration and its programs through 1988. The chairman's bill symbolizes the progress we have made in trying to improve Federal small business programs. This is significant because, to me, it is an acknowledgment that cuts can be made without compromising the Government's commitment to small business.

What is even more significant, however, is that so many of my colleagues on the committee now feel that the chairman's bill falls short in addressing many of the structural and conceptual flaws inherent in SBA programs.

They have begun to recognize that you can make cuts without harming the effectiveness of useful small business programs.

I am pleased by this approach because I now believe that my efforts to alert Congress to the agency's flaws have not been in vain. Earlier this year when the administration proposed to dismantle the Small Business Administration and transfer its noncredit programs to the Commerce Department, I embraced the plan and introduced it as a legislative package in H.R. 1461. Subsequently, there were many who complained that the cuts contained in that plan were shortsighted, and would lead to the demise of small business. Accordingly, I was accused of being anti-small business.

But thanks, in part, to the spirited debate that followed, we now know that these accusations are over exaggerated and, in many instances, completely untrue. For example, the committee now feels that we can do away with most of the SBA's direct lending program. It is outdated and lacks cost-effectiveness.

There is also significant support for ending the agency's farm disaster loans and consolidate farm relief programs in the Department of Agriculture, where they belong. This is a simple case of economic wisdom, as is the need to end nonphysical disaster lending by the SBA. It merely duplicates services offered by other Government agencies and forces taxpayers to subsidize business losses resulting from normal business risks and poor management.

We are now finding out that financial institutions which provide SBA guaranteed loans to small business can accept the imposition of higher fees and a lower guaranteed rate structure without jeopardizing their small business portfolios. This will, in turn, help to reduce the sizable number of yearly defaults which must be paid for by the American taxpayer.

Additionally, I am pleased that the committee has agreed to hold hearings later this year on legislation to create a corporation for small business investment. This program will take small business investment companies out of the SBA, allowing them to tap into the vast resources of the secondary markets while, at the same time, saving the taxpayers an additional \$1 billion over 3 years.

In all, these reforms will trim nearly \$3 billion from the SBA budget and still provide more efficient and cost-effective services, increased access to capital markets, and reduced Government spending. All of these changes will greatly benefit our Nation's small business sector.

But I would also like to add that, should the committee accept all of these recommendations, there will still be a significant number of programs in

the agency which will require further review so that we are certain that SBA programs are serving a public need.

Mr. Speaker, there is no doubt that the recent debate over the future course of the Small Business Administration has exposed the agency like no other period in its history. And I must, at this point praise Jim Sanders for his superb leadership as the Administrator. Not a day went by when something wasn't said or printed in defense of, or in opposition to, the agency and its programs. But in the end, it will all result in a leaner, meaner, and more effective SBA that will be more responsive to the needs of the small business community. In the end, small business will be better off because of it. I commend my colleagues for recognizing this fact.

THE SOVIET WAR AGAINST FREEDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, the purpose of this talk, which is on the Soviet war against freedom is to suggest that there is a pattern of education which we need in this country, in that there are three steps that would be a start in the right direction.

I talk in a week, for example, in which the cover of Newsweek magazine is entitled "The Family of Spies. How Much Did They Tell Moscow? The Epidemic of Soviet Espionage."

We talk in a week in which there is grave concern that Soviet spies have stolen enough information that they have compromised the security of American nuclear submarines, which we have always thought were the base of America's long-term security and our protection against nuclear war.

In addition, this is a week in which there has been a Nicaraguan Communist invasion into Costa Rica, where they have occupied several hills in the process and killed several Costa Rican soldiers and the Costa Rican Government has complained.

This is the week in which the Soviet Army has expanded the amount of violence and bloodshed against the freedom fighters in Afghanistan.

I think it is a time to look candidly at what is happening. The Soviet system has managed to win a war of words. If the Russians invade a country, somehow the word "invasion" is never used. If they are brutalizing a people, somehow the word "brutality" does not show up.

The words always end up being softer and calmer and pleasanter if the action is by the Soviets.

Somehow we do not explain very well what is happening on the American side, on the profreedom side.

I think there are three steps that could be taken that would begin to improve American understanding of the Soviet war against freedom, and it is a war. It is not the Soviet aggression. It is not the Soviet offensive. It is not the Soviet actions. It is not the Soviet intervention. It is the Soviet war against freedom.

The first step would be for the Intelligence Committee to hold a series of public hearings that begin with the structure and nature of our adversary, why is the Soviet system committed to waging war against the West.

It would go second to the question of the KGB, the Soviet secret police, and how much it has penetrated the United States. How many KGB agents are there at the Soviet consulate in San Francisco? How many KGB agents are there in the United Nations Secretariat? How many KGB agents are there in the Soviet Embassy in Washington?

Why does the Soviet Embassy sit on the highest hill in the city, looking out over the Pentagon, the White House, and the Central Intelligence Agency, so that for electronic spying purposes it is the best situated single building in Washington? What could be done to make it harder for the Soviets to spy?

I suggest for those who are interested, in addition to the cover story of this week's Newsweek, that there are two recent books which create a framework of thought about Soviet spying. The more popular, easier to read, is called "The KGB Today, The Hidden Hand," by John Barron. It is a paperback book available right now. It is worth reading.

The shocking thing is that this is the second book John Barron has written about the KGB. The first was called "KGB, The Secret Work of Soviet Secret Agents."

The newer book was published in 1983 and lists item by item how the KGB and the Soviet Union attempt to systematically undermine the West and undermine the United States.

Now, this book which is, oh, 400 pages long, is worth reading. It is fascinating reading. Parts of it read like a novel as they tell the story in particular of one Soviet agent who decided that he would try to escape, a Soviet agent who in fact did escape. His name is Levchenko. Levchenko was a very high KGB officer. The KGB is the Soviet secret police. He was in charge of much of the spying that was being done in Tokyo, Japan, when he decided to flee to the West.

Now, this book makes a point which is very important for all of us who are shocked by this week's television to think about. If the Soviets have been spying so systematically that two 400-page books already exist, if under Jimmy Carter and Ronald Reagan we arrested 29 different spies for the Soviet Union in the United States,

why then is it a surprise, as you would expect, that there are more Soviet spies?

It is just business as usual as the Soviet Union wages war against freedom.

I was particularly motivated to take tonight to start this process, because in addition to the Intelligence Committee hearings, I hope that we will be able to convince the Central Intelligence Defense Agency, Department of Defense, State Department, and National Security Council, to have a coordinated weekly briefing every Thursday in the morning, one for the news media, one for Members of Congress, only of declassified information.

I would hope that we in the House would decide to begin having an every Thursday afternoon special order specifically to report to the American people on the Soviet war against freedom.

I am really moved to do this by the latest in a series of letters that are at best misleading and at worst misinformation.

□ 1730

I will not mention the Member's name who sent this letter because he is not on the floor. But it is entitled "Almost Three-Fourths of the Public Opposes Military Aid to Nicaraguan Contras." And at the bottom it says, "Our constituents understand the issues very well."

Now let me just say to that, we happen to have another poll, and that what you get out of a poll is in part based on what you ask in the poll, and the person who took the poll that goes along with this I think significantly misleading letter is a poll taken by Mr. Louis Harris who is a good, solid, left-wing pollster, a liberal who often words his questions in a way that guarantees that result.

He asks the question: "How concerned are you that the United States will end up sending American troops to fight Nicaragua? Fifty percent are highly concerned. I am highly concerned. That is why I want to support aid to the present freedom fighters so that we can stop communism with Nicaraguans stopping it, not with Americans."

They walk through a series of questions which are phrased as strongly as possible, and they never quite explain in the whole series of questions exactly what is involved because when you walk through these questions, and there are two solid pages of questions, you discover they never quite explain what is really happening in Central America.

Now, if I were to come to you and say, "How would you like me to cut on you tonight?" You would probably say, "No, I don't want you to cut on me tonight."

But if I were to come to you and say that I am a cancer specialist, and you may die by tomorrow morning if I don't operate this evening, you might have a whole different attitude toward my cutting on you this evening. The context is important.

Let me give you some data.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am delighted to yield to my friend from Illinois.

Mr. HYDE. I think I have seen the Lou Harris polling results that the gentleman has adverted to and as I read through the two or three pages of questions, at no time did I find the Sandinista government referred to as Communists. I think in one place it was called left wing.

Now, is it your experience that when you use the word "Communist" to describe an entity or a government, it makes a difference in the response?

Mr. GINGRICH. Absolutely. In fact, the point I would like to make is we had a poll which has just been released by the Congressional Campaign Committee for the Republicans which was taken by Market Opinion Research. I have received permission from the Congressional Campaign Committee to share some of the data, and I think the public needs to look at the difference between the Lou Harris question which has been sent out by my good friend who happens to be, in my judgment, uninformed on the nature of the Leninist system, and the questions when asked in a slightly different manner with more information.

In the first place, it starts by saying, and listen to how this is worded: "As you know, the Reagan administration has been backing the Contra rebels in Nicaragua who have been fighting to overthrow the Sandinista government."

Now, the first sentence is loaded on two levels. Nobody in America knows what a Contra is. The President has been calling them freedom fighters, which I think is a fairer term. Nobody is really sure what Sandinista means. If you say "Communist" it changes the whole meaning of that opening sentence. If you were to ask exactly the same question: "As you know, the Reagan administration has been backing the freedom fighters in Nicaragua who have been fighting to overthrow the Communist government," you radically change the answer because it is like putting the word "cancer" in a question of whether or not you want to go to the doctor.

If you were single and called a girl and said, and I am speaking now from a boy's standpoint, "Say, how would you like to go out on a date tonight, and let's go see our favorite doctor," she would think you are nuts. But if you called the same girl and said, "I think you may have a serious virus,

you had better go to the doctor," she would at least listen to your argument.

So if you start out and use words designed by the left to guarantee nobody understands the problem, then you get an answer proving that nobody understood the problem. To then turn around and claim that the American people have been well informed I think is the height of arrogance.

But let me carry this a stage further. It goes on to say, "Congress refused to send \$14 million in arms to the rebels of Nicaragua because of fears the United States would end up having to send American soldiers to fight in Nicaragua."

Now, Lou Harris deserves the biased, prejudiced, and deliberately misleading pollster of the year award for that question because it is fundamentally setting up the listener on the other end of the telephone and educating the listener into the answers that Lou Harris wants.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I will be glad to yield.

Mr. HYDE. Would the gentleman explain to me, I must have missed something there, does the gentleman mean that Mr. Harris asks the question of people are they afraid to aid the people who are actually doing the fighting because if they aid other people to fight then we might have to fight? Is that his line of reasoning?

Mr. GINGRICH. Yes. His line of reasoning in the first place, I understand it serving in the Congress, he misunderstood the whole vote of the \$14 million. In the second place it sets up his rationale so he is in effect educating the citizens sitting at home. You are sitting at home, if I may say to the gentleman from Illinois, and you are watching TV in the evening and the phone rings, and you pick up the phone and the person says, "Hi, this is the Lou Harris survey. Can we ask you a question?"

What they then did is they gave you an entire paragraph of propaganda to set you up for the question, so they would then get the answers they wanted.

Now let me change to show you how this works. We asked a series of questions to make sense out of Nicaragua, because the fact is that if you just walk into an average American room and say what do you think about Nicaragua, half the people in the room are not exactly sure where it is. If you then say what do you think about the Contras and the Sandinistas, three-fourths of the people are not sure which group is which. They could be two Little League teams. Nobody is really sure what is going on.

In fact, you may remember a TV series that was called "That Was the Week That Was." Once upon a time they did a takeoff on then President

Kennedy talking about Laos, and they had a guy who was supposed to be an expert, and who used all kinds of strange sounding names to English-speaking ears, and he turned out to be a Laotian. They then showed a film clip of President Kennedy using similar names that were Laotian and that sounded strange to English-speaking persons, and they ran together and you could not quite understand it, their point being that the world is complicated and distant and if you did not have any idea about terms, who knows what it means.

Let me give you some examples, though, of why our friends on the left are fundamentally mistaken about what is happening in Central America, and what it means to America. These are questions that came directly out of a poll and I think are very, very important in understanding what is going on.

Question: "Do you believe the Soviet Union is mainly interested in world domination or mainly interested in protecting its own national security?" That is straightforward. "What do you think the Soviet Union is up to. Is it up to trying to conquer the world or is it basically trying to make sure nobody invades Russia?"

The answer was 59 percent of the American people, without prompting, believe world dominance is the goal of the Soviet Union; 34 percent believe for national security. The amazing thing is that 34 percent has a working majority in the House.

The second question: "Do you think the Soviet Union's current influence in the world is a serious threat to the security of the United States, moderate threat, or very little threat to the security of the United States?"

Answer: Thirty-seven percent think the Soviet Union is a serious threat, 46 percent think it is a moderate threat, 15 percent think it is very little threat.

Now, what does that mean? It means 83 percent of the American people believe that the Soviet Union is either a serious threat or a moderate threat to our survival.

I would say, by the way, that 15 percent that think it is very little threat have an absolute majority in the Foreign Affairs Committee.

Now let me carry this a stage further. We asked the question of the American people, first of all, "Do you think a country is Communist or not?" It was fascinating. The countries that we asked a series of six questions on six countries, and the country they were most aware was Communist was Cuba. Eighty-four percent realized Cuba is a Communist country and not a democracy. The same figure for Nicaragua is only 47 percent, a sign, frankly, that we have not been doing a good enough job of clarifying. And for the Member who sent out this letter that said, "Our constituents under-

stand the issues very well," I point out that 34 percent thought El Salvador was a Communist country and that, in fact, there is a great deal of confusion about which country is on our side and which country is against us, and you have to clarify the issue.

So 84 percent of the United States understand that Castro and Cuba are Communist and that they are a part of the Soviet system, which is a threat to the United States.

Then they ask the question on the same six countries: "Do you think it represents a serious threat to its neighbors, a moderate threat, or very little threat to its neighbors," and again we are talking about, notice this is a neutral question, "Do you think it is a serious threat, moderate threat, or very little threat." Cuba is seen by 70 percent of the American people to be either a serious or moderate threat to its neighbors.

□ 1740

Interestingly, Nicaragua, and here is where I think President Reagan's message has gotten through, is seen by 66 percent of the American people as a serious or moderate threat.

What does that say to us? That says it is beginning to sink in out there that Cuba is Communist and is a real threat, that the Soviet Union is Communist and is a real threat, and the Soviet Union wants to dominate the world, Cuba is the Soviet Union's ally. When you carry that a stage further, then, we find a fascinating change. And this is where I think Mr. Harris misleads all of his friends on the left and, frankly, I say this to all our ostrich friends who are on the left that if they would bring their head up out of the sand and look at the world for a minute and really ask themselves: "Does it help their cause to let Lou Harris ask highly biased questions and then trumpet that answer?"

I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

I think what the gentleman is saying is that this poll, to use the jargon, was manipulative. In other words, the people who were asked questions were manipulated into the answers that they wanted; is that correct?

Mr. GINGRICH. Well the gentleman is exactly correct. The gentleman makes the point I think clearly. They sent out a propaganda poll to get a propaganda answer which they then put in the letter which they sent around which is propaganda.

Mr. HYDE. You know, the argument is made and you have just underscored it, that when you talk about Nicaragua as a Communist country being a moderate threat, people discount that because Nicaragua is a small country with less than 3 million people in it

and the people cannot understand how a small country some thousand miles away from our shores could be a threat to this colossus that is the United States.

Of course, what must be explained to them is that Nicaragua, itself, is not a threat; but as it serves as a Soviet base in this hemisphere, as Cuba is, as another surrogate inside the Soviet world system and is a source of infection for its neighbors such as Costa Rica and then the Panama Canal or going up north, Honduras, El Salvador, Guatemala, and Mexico, becomes a very serious threat. And when you have a cancer that is small it is very prudent to excise it rather than to let it spread and metastasize and infect the whole limb; is that not so?

Mr. GINGRICH. The gentleman is making exactly the point which intuitively most Americans, if given enough information, would immediately agree with. That is, once they understand that Nicaragua represents the cancer of communism, that given long enough, Nicaragua is going to be just like Cuba, that given long enough, it is going to have a Soviet airfield there with Soviet bombers sitting on it next to the Panama Canal and able to threaten our sea lanes; at that point the average American would, just like you would if you were a patient, if you went to the doctor and the doctor said to you, "You right now have cancer in your little finger. You can wait until the cancer comes to here," indicating "and we will take your arm off, or you can let us surgically remove the cancer in your little finger," you would have to be crazy, pretty crazy to say, "No, no, let me let the cancer have a fair shot at my arm. I don't want to bother it right now."

I yield to the gentleman.

Mr. HYDE. Mr. Speaker, does the gentleman think the average American understands that there is an air base in Cuba now called Lourdes, that serves as a base for long-range Soviet reconnaissance planes that fly up and down our east coast, surveilling our shipping and monitoring telephone conversations and radio communications? I suggest most Americans do not realize that. But once Punta Huete gets established, the monster airfield that is already built in Nicaragua, those same long-range Soviet aircraft will be enabled to fly up the west coast of our country and surveill Silicon Valley, our shipyards, and monitor radio and telephone communications there. Does the gentleman think if those facts were brought home to the American people they might be a little more concerned and they might perhaps answer even Mr. Lou Harris' loaded questions a little differently?

Mr. GINGRICH. Well, I think it is clear, when you recognize 59 percent of the American people believe that the Soviet Union is determined on

world domination and you said to them Nicaragua is a Soviet ally, I think that is why Ortega's recent trip to Moscow was so frightening to our friends on the left who are ostriches.

I would be glad to yield to the gentleman.

Mr. HYDE. But is it not said that here is Mr. Ortega, the President of Nicaragua, the Comandante Sandinista Marxist-Leninist proclaimed, and he has been acting the same way and talking the same way for 5 years, but by having an inept travel agent he has finally awakened some of these people to the fact that maybe he is not such a nice guy and we ought to do something about it?

The ironies of history.

Mr. GINGRICH. I have to share with the gentleman: I have been trying for several months now to describe what I call the ostrich phenomenon, the ability of those on the left to bury their heads in the sand and avoid learning about communism.

I think you can measure the speed with which an ostrich can get its head back down from a debate because it was a fact that Ortega announced he was going to Moscow the next morning after this House voted not to help the freedom fighters that shocked so many of our ostrich friends. One of them told me in the hall, true story, one of them said to me, "You know, he could have waited a week."

Now it seems to me that that gentleman gave us sort of the length of time it takes an ostrich to duck again.

He was saying that if Ortega had waited 1 week to go to Moscow and then "I would not have noticed and it wouldn't have made me feel bad."

I yield to the gentleman.

Mr. HYDE. We are told that we are using gunboat diplomacy by assisting the Contras, the democratic resistance down there. Why do not the leaders on the other side just send another "Dear Comandante" letter as they did over a year ago suggesting negotiations and that they stood ready to substitute for the State Department to talk about these things? They never really got a satisfactory answer. They want the State Department to try diplomacy when their own diplomacy failed.

Is there any accounting for that logic?

Mr. GINGRICH. Well, I think the thing the American people have to confront and it goes way back, again, and in a minute I am going to introduce a list of spies who have been arrested since 1975, and it is the same phenomenon. We are not only dealing with ostriches who refuse to learn but they are ostriches with amnesia because when they do manage for a moment to learn something they forget it as quickly as possible.

And the same people who sent a letter 2 years ago saying "Please be

nice" sent a letter last year saying that, "Oh, we had a pet crocodile next door," and as it ate each of your children you kept sending them notes saying "Please don't eat any more."

I yield to the gentleman.

Mr. HYDE. Am I correct that the gentleman is a Ph.D. in history?

Mr. GINGRICH. That is true.

Mr. HYDE. Is it the gentleman's experience that there are two general types of ignorance, vincible ignorance and invincible ignorance? And would you suggest that people who continually read history and read the newspapers, yet it has not sunk in that Marxism-Leninism is revolutionary, that it is a derogation of every decent human feeling, it is the greatest assault on the spirit of man in recorded history, and still will not do anything about it, would the gentleman say that is a result of ignorance, vincible ignorance, invincible ignorance, or perhaps the old French saying that "Ignorance is salvageable but stupid is forever"? Which of those you say it is?

Mr. GINGRICH. I have to say to the gentleman from Illinois that it took me 5 years of sitting in this House to begin to understand this because I kept dealing with people, Members of this body who are smart people, they have very high IQ's. Many of them have law degrees or Ph.D.'s of their own. They are articulate, the words flow.

There was something missing. I kept listening.

In August of 1983 we had a debate on Central America in which some of these ostriches said things that were so savagely and totally wrong, so vicious about the people who are for America and for freedom, that I sat up and, sitting right over here, I sat up and said after listening to 6 hours of this debate, trying to understand the psychology of our friends on the left who mean well but do bad; and as I listened to them I suddenly realized that we are dealing with a neurosis, that they are psychologically blocked from learning information because in the case of some of them, very early in their life, in the Vietnam war cycle or during that period they came to the conviction that America is the great danger in the world, not the Soviet Union, that it is the CIA, not the KGB, that it is Americans spying, not Russians spying, and they believed that so passionately that they cannot unlock themselves psychologically and learn enough about the nature of the Soviet state.

□ 1750

Mr. HYDE. Will the gentleman yield?

Mr. GINGRICH. I will be glad to yield.

Mr. HYDE. I think one of the problems is almost—it is political and cul-

tural. If Ronald Reagan were to say it was midnight, they would have a resolution here saying it is high noon. If Ronald Reagan were to say Newton's three laws of motion are still operative, there would be an outright rejection of that notion as out of date or unscientific.

So that fact is that if Ronald Reagan recognizes the threat in Central America, it must be wrong, and I think that we are fighting that cultural-political bias that does not respond to the facts, or to reason.

Mr. GINGRICH. I think the gentleman is correct. Let me just say that, to go back for one last time to this letter which is so systematically misleading based on a poll which itself was propaganda, Joe Napolitan was a great Democratic campaign professional, wrote a book called "The Election Game and How to Win It."

In that book he has a rule in which he said that the American people—you should never underestimate their intelligence nor overestimate how much information they have. And what he was saying to candidates and to politicians and the campaigners is, "Don't think the American people are stupid. The American people are pretty smart, given time, given the information." They are smart enough to buy a house, to find a job, to live in a neighborhood, to raise their children, to elect the government.

But do not assume that on any given issue that they know a great deal, because the average American is very busy; they have many ways to spend their life. They do not have an obligation to spend all day studying Central America.

Now let us look at what happens if we add one piece of information to a poll. In the poll that we released, the question was asked, quote: In several countries around the world, there are rebel forces fighting Communist governments. Some people consider these rebel forces to be freedom fighters and believe our country should help them. Others say we should not interfere in the affairs of other countries or get involved in these civil wars. What is your opinion? Should we help these rebel forces or not get involved? How strongly do you feel about that? Very strongly or not too strongly.

Notice, the way that was asked was very balanced; it did not say they are freedom fighters; it said some people say they are, some people say they aren't. It did not say we ought to get involved; it said some people say we should, some people say we should not.

Given that question without any other information, 30 percent are in favor of helping the rebels; 60 percent are against, which is—fits; not as strong as the Harris poll, but fits the general direction.

But then in this poll they added one piece of information, which happens to be true: If you learned that Nicaragua was Communist and was trying to establish other Communist governments in Central America, would you support our country helping the anti-Communist rebels in Nicaragua or oppose our getting involved in this civil war?

In other words, once we said to you, the Government of Nicaragua is Communist, which it is, and the Government of Nicaragua is fighting wars against its neighbors, which it is, what then would your opinion be?

It turned out that with that additional information what was a 30-percent for help/60-percent against shifted to 49 percent in favor of helping, 44 percent against. In other words, those against getting involved dropped by 16 percentage points; those in favor of getting involved rose by 19 percentage points on one sentence.

Now this does not say, as it could, if you knew there was a 12,000-foot Soviet runway being built to handle Soviet bombers; if you knew that there were three guerrilla movements; one in Guatemala, one in Honduras, and one in El Salvador, all involved directly in fighting, based in Nicaragua. It does not say, if you knew there were Soviet advisers and Cuban advisers building a Communist police state. It does not say, if you knew that Nicaragua is close enough to the Panama Canal that one airplane with one laser-guided bomb could close the canal, all of those possibilities are there. None of those are built in.

Yet, I am absolutely convinced that as the American people get more information about Central America, there is a greater and greater likelihood that in fact they will not only support efforts to make sure the freedom fighters win and the Communists lose, they will insist on efforts to make sure that we cut out the cancer of communism in Central America.

So let me carry it a stage further, because I think there is a framework here people need to look at. We have been deceived by the Soviets into allowing them to use language that gets us to relax while they wage war. The Soviet Union is waging war against us. There is a fascinating new book called "Breaking with Moscow" by Arkady N. Shevchenko. It is on the best seller list; it has only been out for a very short time.

In this book he lists again and again and again the nature of the Soviet system, the problem we face; a 1985 book. This is what he says, quote:

What I want is to share with the reader my experiences under the Soviet system, to tell the truth about it as I lived it, to inform the public of Soviet design and to warn of the dangers they present to the world.

He goes on to say, and I quote:

This is, by the way, for those who do not know, Shevchenko is the highest ranking Soviet official ever to defect. Shevchenko had very, very high offices; he was close to Dobrynin, who was Ambassador to the United States; he was a protégé of Gromyko, who is the Foreign Minister; he rose to become the number two man at the United Nations; he was the Under Secretary General of the United Nations, and the highest Soviet official ever to defect to the West.

Now, what does that high-ranking Soviet official say? Quote: From his foreword he says:

It is vitally important for the West to know as accurately and as completely as possible the thinking and attitudes of those who make policy in the Kremlin.

He says again and again in his book about the Kremlin, that: it is a country that is systematically plotting against the United States; it is a country which is engaged in trying to destroy the West; it is a country which thinks of assassination as routine; it is a country which is committed to fighting a secret war against the Americans.

This is a book by the most top-ranking Soviet official ever to defect. Still, you might say, let us look at the spy case; the most recent example, and my question will be, why are we surprised by it?

One brief list from the Federal Bureau of Investigation, of people that have been convicted of espionage in the United States starting under Jimmy Carter. This is a partial list, and it is one we got worked up just for today.

For example, a gentleman in 1975 arrested, convicted in July 1976, 3 years in prison, espionage. Edwin Gibbons Moore II, CIA retired; arrested December 1976 for espionage; sentence began June 1977; sentenced to life imprisonment.

Andrew Dalton Lee; arrested January 1977 for espionage and conspiracy; sentenced to life term. Christopher Boyce, the basis for the movie, "Snowman and the Eagle," arrested January 1977 for espionage and conspiracy; sentenced to 40 years in September 1977.

Rogalsky, arrested January 1977 for espionage and conspiracy; found incompetent to stand trial as a sick and tormented individual.

Alexandrovitch Enger, arrested May 1978 for espionage and conspiracy; sentenced to 50 years. He was then exchanged to the Soviet Union; he was a Soviet.

Rudolph Chernyayev; arrested with Enger for espionage and conspiracy and released in return for 5 Soviet dissidents.

William Peter Kampiles, arrested August 1978, sentenced and convicted to 120 years in prison.

David Henry Barnett, arrested October 1980, sentenced in January 1981 to 18 years in prison for delivering de-

fense information for a foreign government.

Mark Andrey DeGeyter, arrested in June 1980, sentenced in 1980 for 4 months in prison and a \$500 fine; essentially for bribery.

You go down the list. Item after item; espionage and conspiracy, life sentence, and so forth. There are 29 just on this list alone, of spies.

This is only the United States. There was a fascinating article in the June 14 National Review by Brian Crozier called "The Spying Business," pointing out—and he starts by saying, quote:

When in April the British authorities expelled four Soviet officials with diplomatic status, and an Aeroflot manager, the Soviet diplomatic representation in London was reduced accordingly.

In other words, the permitted number of Soviet diplomats in London, which had stood at 43, was cut to 39. The Aeroflot man being a member of an ancillary organization that permitted stealing for ancillary organizations, was cut from 105 to 104.

This very healthy habit of numerical reduction of Soviet representation when spies are uncovered was started in 1971 when Edward Heath was Prime Minister, one of the few good things he did, perhaps. And Sir Alec Douglas Hume, his foreign secretary. That was when the splendid world record of 105 Soviet spies expelled or denied reentry was set.

Close quote.

Note that. On one day in 1971, the British Government, getting disgusted with Soviet spying, kicked out 105 spies in 1 day.

Now, recently President Mitterrand of France kicked out no fewer than 47 Soviet spies. The point I am driving at is that again and again and again we find that there is a consistent pattern of Soviet spying.

□ 1800

Crozier quotes from Shevchenko's book and says, quoting Shevchenko:

It was easy to distinguish KGB professionals from diplomats and others. The first giveaway was money. The KGB had it and spent it much more generously than real diplomats. Of the 28 men in Shevchenko's section in 1968, that is 28 people working in the United Nations, supposedly, 21 were either secret police or military intelligence Soviet agents.

Now, think about this. When you go to New York City and you see the United Nations and you see literally hundreds of Soviet people working at the United Nations, in this one case 21 are Soviet secret agents, 7 are legitimate workers for the United Nations.

Let me suggest that we should not be surprised by spying. We should not be surprised by the Soviet secret war. Again, to go back for just a second to John Barron's book, at the very back of his book he has a section in which he lists page by page, country by country, Soviet officials expelled or withdrawn because of involvement in spying, 1974 to 1983, from Canada, Switzerland, the United States, Sudan,

Sweden, Portugal, North Yemen, West Germany, Pakistan, Norway, Italy, Singapore, the list goes on and on for five pages of single-spaced names of Soviet spies who were expelled.

There is a very old book on "The Art of War" by Sun Tzu, who was a Chinese who wrote in 500 B.C. There is a new edition, with a foreword by James Clavell, who many people know of because he wrote "Shogun" and "Noble House" and "Tai-Pan." And in "The Art of War," the last chapter, fascinatingly enough, is a chapter on the use of spies, and the chapter argues that the most powerful way of waging war is to have spies, that spies are cheaper than armies, that spies tell you the things you need to know, and that having spies gives you more advantages in a war than any other asset.

It is a fascinating book, and I in particular think that for anyone who has read "Shogun" or "Tai-Pan" or "Noble House" or "King Rat," which are the four books James Clavell wrote, the introduction is well worth the reading, the foreword to the book. He says, quoting now the novelist Clavell:

I truly believe that if our military and political leaders in recent times had studied this work of genius, Vietnam could not have happened as it happened; we would not have lost the war in Korea—we lost because we did not achieve victory—the Bay of Pigs could not have occurred; the hostage fiasco in Iran would not have come to pass . . .

He goes on to quote Sun Tzu, who said, quoting from Sun Tzu: "Supreme excellence consists in breaking the enemy's resistance without fighting."

In other words, if you can be defeated without a war, if the enemy can defeat you without bloodshed, that is the best of all victories. So you look at all the Soviet spies, you look at the Soviet manipulation of Nicaragua, you look at the Soviet alliance with Cuba, and you ask yourselves if they in the Soviet Union studied Sun Tzu.

He goes on to say:

I think this little book shows clearly what is still being done wrong, and why our present opponents are so successful in some areas—Sun Tzu is obligatory reading in the Soviet political-military hierarchy and has been available in Russian for centuries; it is also, almost word for word, the source of all Mao Tse-tung's little red book of strategic and tactical doctrine.

Now, Clavell says, having explained the book, the following:

I sincerely hope you enjoy reading this book. Sun Tzu deserves to be read. I would like to make the "Art of War" obligatory study for all our serving officers and men, as well as for all politicians and all people in government and all high schools and universities in the free world. If I were a commander in chief or president or prime minister, I would go further: I would have written into law that all officers, particularly all generals, take a yearly oral and written examination on these 13 chapters, the passing mark being 95 percent—any general failing to achieve a pass to be automatically and summarily dismissed without appeal, and all other officers to have automatic demotion.

I believe, very much, that Sun Tzu's knowledge is vital to our survival. It can give us the protection we need to watch our children grow in peace and thrive.

Always remember, since ancient times, it has been known that . . . the true object of war is peace.

Let me read the very opening line from Sun Tzu:

The art of war is of vital importance to the state. It is a matter of life and death, a road either to safety or to ruin. Hence under no circumstances can it be neglected.

The purpose of this evening's special order is to simply lay out and to suggest to the American people, the American Government, and the American Congress that we do not study Leninism very well, that probably there are not 20 Members of the House who have any real notion of the doctrines of Lenin, yet Lenin is the driving writer behind all Soviet behavior, that we do not study the Soviets very well, that we do not look at the Grenada Documents, which are available for free, which every Congressman can get a copy of from the State Department, which every citizen can read, which every newscaster can look at, which every church group can study. So we do not know from Grenada the lessons of seeing a Communist government from the inside, the things we have learned from looking at how Communists function, that we do not have a historical memory, that we do not pay attention to how does it all fit, how does Nicaragua tie into Cuba, how does Cuba tie into Angola, how does Angola tie into Ethiopia, how does Ethiopia relate to South Yemen, how does South Yemen relate to Afghanistan, how does Afghanistan relate to Cambodia and Vietnam, how do they relate to shooting down a Korean airliner by a Soviet plane, how does that relate to killing Major Nicholson in Germany by a Soviet soldier, why do all of those relate to the spies who infiltrate America and seek to destroy us by a secret war rather than a nuclear war.

Because we do not study this, because we do not take Sun Tzu seriously, because we do not link together the lessons of history and the lessons of geography, we are surprised again and again and again. It is my hope that in the next few weeks the Intelligence Committee will decide to hold a series of public hearings systematically looking at the nature of the Soviet threat, the Doctrine of Leninism, the lessons of Grenada and the way in which we Americans can begin to arm ourselves with knowledge. It is my hope that in the next few weeks the executive branch, with leadership from the White House, will decide that the time has come to systematically once a week brief the American news media and brief the American Congress, to bring together on a declassified basis all information relating to the Soviet

war against freedom from all over the planet so that every week it will be relatively easy for the news media and elected officials to learn in context, in historical context, in doctrinal context, in strategic context, in geographic context, to learn what is happening.

I hope that in the near future we will have organized a "Grenada week" for October 26 of this year in which every American citizen will feel that there is something to be studied, something to be looked at. I hope that high school and college classes will begin to read John Barron's "KGB Today," a paperback which reads like a novel and which could be available for reading classes all across America this fall. The chances are there, and they are real.

Finally, I hope both Democrats and Republicans of both the right and left will feel free to participate on Thursday afternoon special orders to bring together information so we Americans can educate ourselves.

In closing, let me say that I honestly and deeply believe in James Madison's injunction, engraved in stone in the great Library of Congress Building named for him just up the street, "Knowledge shall forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power which only knowledge gives."

Thanks to the Grenada papers, thanks to Soviet defectors like Shevchenko, thanks to the work of our own intelligence agents, our own scholars, we have the knowledge available if we have the will to learn it. As a free people, it is up to us. Are we going to be surprised again and again for the rest of our lives, until some day our grandchildren are not free? Or are we going to learn systematically and calmly and methodically so that together we can learn what is the nature of the Soviet threat, what is the nature of communism in Cuba and Nicaragua, and what are the wise policies which a free people can undertake in order that in the long run freedom shall remain not only for our grandchildren but shall be acquired by all of the people and all of the children of the world.

□ 1810

GENERAL LEAVE

Mr. GINGRICH. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and to include therein extraneous material on the subject of the special order speech today by the gentleman from Colorado [Mrs. SCHROEDER].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

THE REPRODUCTIVE HEALTH EQUITY ACT

The SPEAKER pro tempore. Under a previous order of the house, the gentleman from New York [Mr. GREEN] is recognized for 10 minutes.

● Mr. GREEN. Mr. Speaker, I rise today to introduce legislation for myself and my colleague from California, Mr. FAZIO. We are joined in this effort by 70 of our colleagues from throughout the Nation. The Reproductive Health Equity Act [RHEA] addresses the fact that equal access to abortion for all women is no longer a question of constitutional rights. It is a matter of legislated economic discrimination. It is a maternal and child health care issue. Women who depend on the Federal Government for their health care, either as an earned benefit or an entitlement, do not have the same access to abortion as do other women. RHEA is designed to eliminate this discriminatory health policy.

Twelve years ago, the Supreme Court ruled that a constitutional right to privacy was "broad enough to encompass the decision of a woman whether or not to terminate her pregnancy." That decision, *Roe against Wade*, was reaffirmed and reinforced by the Court in June 1983—Akron Center for Reproductive Health against City of Akron. In that same month, an attempt to overturn the Supreme Court decision by passing a constitutional amendment decisively failed in the Senate.

It is now clear that the Court will not go back on its decision to allow women the right to choose an abortion. And yet this constitutional right is being denied hundreds of thousands of American women because Congress over the past decade has succumbed to guerrilla attacks on "must-pass" spending bills. As a result, Peace Corps volunteers, military personnel and their dependents, Medicaid recipients, Federal employees, D.C. residents and native American women face obstacles imposed by Congress that are not encountered by women who are not subject to Federal Government control over their health care. In one way or another, either through denying funds for medical assistance or restricting earned benefits, the Federal Government has attempted to exercise control over women's medical choices.

Hapless minorities have been picked off one by one, in a context where the overriding pressure has been to pass broadly based bills for the funding of the Government. These groups are rarely represented; singularly they lack clout. The most lenient of the abortion restrictions on appropriations bills prohibits the use of Federal funds for abortion except to save the life of the mother. However, these restrictions do not consider the health risks that may be involved by denying other women access to abortion.

We are introducing the Reproductive Health Equity Act to remove the current restrictions on the use of Federal funds for abortions in order to bring these women under the same umbrella of rights the Supreme Court affirms for the general citizenry.

The Reproductive Health Equity Act should not be viewed as a means of making abortion a method of family planning. Clearly, abortion should be considered a last resort to unwanted pregnancy, not a means of birth control. Improving family planning education and access to contraceptive services remain first priority.

However, we must realize that a woman's right to choose whether or not to terminate a pregnancy is the right to make a private, personal health care decision. For many women who are forced to carry an unwanted pregnancy to term, both mother and child frequently face great health risks and other difficulties. It must also be realized that denying women access to their constitutional right to choose does not reduce the numbers of abortions. It only results in many women who are discriminated against having few options other than to resort to self-induced abortions. We can recall enough horror stories from the pre-*Roe* against *Wade* days to know that this is not a solution to unwanted pregnancy.

This discriminatory health care policy represents an intrusion that is unjust. It is clear that the general public does not support abridging a woman's right to choose abortion. For example, a New York Times/CBS poll taken in October of 1984 showed that 63 percent of the public opposed a constitutional amendment outlawing abortion. Therefore, I believe there would be little public support were the Congress to try to abridge the right to choose for all of these affected groups directly instead of behind the cloak of riders and amendments. Passage of the Reproductive Health Equity Act will end this blatant economic discrimination, and ensure that all members of our society may exercise their constitutional right to terminate a pregnancy.

The text of this bill follows:

LIST OF COSPONSORS

Original cosponsors of the Reproductive Health Equity Act, 99th Congress, in addition to those listed on the bill:

Mr. Torricelli, Mr. Frank, Mr. Williams, Mr. Wirth, Mr. Weiss, Mr. Kastenmeier, Mr. Conyers, Mr. Garcia, Mr. Ford of Tennessee, Mr. Kostmayer, Mr. Edgar, Mr. Evans of Illinois, Mr. Fauntroy, Mr. Wolpe, Mr. Bosco, Mr. Clay, Mr. Gilman, Mr. McKinney, Mr. Gejdensen, Mr. Wyden, Mr. Levin, Mr. Mitchell, Mr. Roybal, Mr. Torres, Mrs. Roukema, and Mr. Hawkins.

H.R. 2691

A bill to amend various provisions of law to ensure that services related to abortion are made available in the same manner as are all other pregnancy-related services under federally funded programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Reproductive Health Equity Act".

(b) Congress finds that—

(1) abortion is a legal medical service related to pregnancy and the choice to elect an abortion is a personal, private right protected by the Constitution;

(2) the Federal Government provides assistance and employee benefits for pregnancy-related care for substantial numbers of women under a variety of Federal programs, including the medicaid program, the Indian health care program, the Federal employees' health benefits program (FEHBP), the program of health care for military dependents and retirees (CHAMPUS), the Peace Corps program, and general payments to the District of Columbia;

(3) pregnant women who otherwise are provided pregnancy-related care under these programs have been denied equal access to health care services due to Congress' severe and unjustified restrictions on their freedom to choose services that relate to abortion; and

(4) denial of access to health care services because those services relate to abortion is unjust and unfair to pregnant women who are or whose spouses are employed by the Federal Government or who otherwise are dependent on the Federal Government for health care and threatens the health and well-being of themselves and their families.

Sec. 2. (a) Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), relating to medical assistance under the medicaid program, is amended—

(1) by striking out "and" at the end of subparagraph (C),

(2) by inserting "and" at the end of subparagraph (D), and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) for making medical assistance available with respect to services related to abortion in the same manner as such assistance is provided with respect to other pregnancy-related services."

(b) Section 8904 of title 5, United States Code, relating to the type of benefits under the Federal employees' health benefits program, is amended by adding at the end the following new sentence: "All plans contracted for under this section shall include benefits for services related to abortion in the same manner as for other pregnancy-related services."

(c) Section 201(a) of the Indian Health Care Improvement Act (25 U.S.C. 1621(a)), relating to the direct or indirect patient care program for Indians, is amended by inserting after the first sentence the following new sentence: "Funds appropriated pursuant to this section for each fiscal year are available to provide services related to abortion in the same manner as such funds are available for other pregnancy-related services."

(d)(1) Section 1074 of title 10, United States Code, relating to medical and dental care for members and certain former members of the uniformed services, is amended by adding at the end the following new subsection:

"(c) Medical care provided under this section shall include services related to abor-

tion in the same manner as they include other pregnancy-related services."

(2) Section 1077(a)(8) of such title, relating to medical care for dependents of members of the uniformed services, is amended by inserting before the period at the end the following: ", including services related to abortion in the same manner as other pregnancy-related services".

(e) Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)), relating to health care for Peace Corps volunteers, is amended by inserting after the first sentence the following new sentence: "Health care provided under this subsection shall include services related to abortion in the same manner as they include other pregnancy-related services."

(f) Section 502 of the District of Columbia Self-Government and Governmental Reorganization Act, relating to the authorization of appropriations of the Federal payment to the District of Columbia, is amended by inserting "(a)" after "502." and by adding at the end the following new subsection:

"(b) Amount appropriated pursuant to the authorization provided under this section shall be made available for services related to abortion in the same manner as such amounts may otherwise be made available for other pregnancy-related services.".

THE ECONOMIC EQUITY ACT OF 1985—RETIREMENT SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

● Mrs. SCHROEDER. Mr. Speaker, today members of the Congressional Caucus for Women's Issues and myself bring the Economic Equity Act of 1985 to the attention of the House. This omnibus legislation, introduced as H.R. 2472 on May 13, currently has 93 bipartisan cosponsors. The Equity Act is a 22-point economic agenda that addresses women's retirement security, dependent care, insurance, employment, and tax reform.

We at the caucus have developed substantive briefing material on the need for our Economic Equity Act, which we want to share with our colleagues today. After reviewing this material, Members interested in joining us in support of the Equity Act should sign on as cosponsors of both the omnibus legislation and the individual bills that comprise the Act. The economic equity train is leaving the station and I know that Members will want to get on board.

Today I draw the attention of my colleagues to the first title of the Economic Equity Act—retirement security. The following background material describes the need for greater retirement security for women and details the individual bills addressing the need in our Equity Act legislation.

I. RETIREMENT SECURITY

A. Private Pension Reform (Kennelly).

B. Social Security:

1. Earnings Sharing (H.R. 158, Oaker).
2. Disabled Widow(ers) (H.R. 159, Oaker).
3. Transition Benefit (H.R. 160, Oaker).

4. Disability Definition (H.R. 556, Oberstar).

C. Military Spouse Pension Reform (H.R. 2365, Schroeder).

Full security for retirement is often likened to a three-legged stool: private pensions, Social Security, and private savings function together to create a stable support for the elderly. The three-legged stool for women, however, tends to be unsteady.

Men and women are changing jobs more rapidly now than ever. The greater mobility of women, however, has meant low benefits for the few women who receive private pensions. The breadwinner/homemaker model upon which Social Security is premised leads to low benefits for women who have been both homemaker and worker outside the home. Current limitations on Individual Retirement Accounts for married couples with a nonworking spouse discourages homemakers from developing adequate private savings. (See Spousal IRA provision described in the TAX REFORM briefing paper.)

The result of these inequities has been the increasing poverty of older women:

As of 1983, older women had a median income of \$5,599, as compared to the median income of \$9,766 for older men. Forty-four percent of these women had incomes of less than \$5,000 in 1983. Less than one in five men had an income of less than \$5,000.

More than 2.6 million older women had incomes below the poverty level in 1983.

A. Private pension reform

In 1983, 11.3% of women over age 65 were receiving a private pension averaging \$2,634 a year. By comparison, 29.6% of men were receiving a private pension or annuity averaging \$4,491 a year.

The Retirement Equity Act of 1984 (P.L. 98-397) reformed the Employee Retirement Income Security Act (ERISA) to provide better protection of survivor benefits and to improve coverage for working women. Additional ERISA reforms are necessary to enhance private pension benefits for all workers.

Traditionally, pension plans have rewarded long and continuous service—a policy which deprives many working women of private pensions. Due to the high mobility of today's work force, many women and men are unable to accrue the required number of years of service to receive full retirement benefits, or they accrue small benefits with more than one employer. Statistics show that in 1983 the median number of years in one job was 3.7 years for women and 5.1 years for men.

In order to respond to new work patterns, a new concept of pension policy is emerging: workers should receive pension credit for all of their working years.

Focusing on the Vesting, Integration, and Portability requirements of private pension plans, H.R. —, the V.I.P. bill (Rep. Barbara Kennelly), reforms current pension plan requirements.

Vesting: Currently, most pension plans require a person to work for ten years to be fully vested in his or her benefits. This bill would reduce from ten to five the numbers of years a person must work to be vested.

Integration: The bill would modify the practice of integration, by which a pension plan participant's earned benefit is offset by a percentage of Social Security benefits the employee will receive. This practice often effectively eliminates private pension benefits to low-income workers. Women, largely

segregated into low-paying jobs, would benefit from the proposed integration reform that would require plans to provide a minimum pension benefit above the Social Security benefit.

Portability: Under the portability modification, small vested pension benefits accumulated over short five year periods could be rolled over into Portable Pension Accounts. These accounts could not be drawn upon before retirement without penalty nor added to from new earnings. This ensures that retirement money is kept for retirement, but allows the employee some control over its investment.

In addition to these changes which reform the requirements for plan participation, Rep. Kennelly's bill would also expand pension coverage. The following changes would allow workers to be covered by pension plans: Require plans to give part-time workers pro rata credit toward vesting and benefit accrual; require coverage of workers who begin plan participation within five years of retirement; require plans to give workers credit for service performed after the plan's normal retirement age (65).

B. Social Security

Only 14% of all women retirees—both homemakers and workers—receive any pension benefits other than Social Security.

Many women discover, upon reaching retirement age or becoming disabled, that their Social Security benefits—the common denominator of most retirement plans—are not sufficient for both men and women, the differences in male and female working patterns create retirement inequities.

Workers are eligible for Social Security benefits only if they have worked for 40 quarters—the equivalent of ten years. Moreover, for every year over five spent outside of the labor force a zero is averaged into a person's wage record, lowering her benefit for life. Many homemakers have not worked outside of the home for the required number of years to be eligible for Social Security benefits and at the same time are penalized by the zero averaging if they have left the work force to care for their children.

In order to qualify for disability benefits, a person must have worked five of the ten years prior to the disability. Once again, the homemaker is often ineligible for these benefits.

1. Earnings Sharing

Currently, earnings records are maintained for individual workers. In a married couple, a nonworking partner is entitled to a spousal benefit equal to 50% of the worker's benefit. A retired worker receives the higher of her benefit options—either her spousal benefit or her own work record benefit.

Women combine work with family responsibilities in a variety of ways. They often work part-time, or interrupt their lives to raise children. Because of these different work patterns, a woman's own work record may be even lower than the spousal benefit, and she receives no credit for her out-of-home work.

The implementation of an earnings sharing plan would go far in correcting these inequities in the Social Security system. The theory behind the earnings sharing concept is that marriage is an economic partnership. Earnings sharing recognizes a woman's economic contribution to marriage, whether she be a homemaker or a worker outside of the home.

H.R. 158 (Rep. Mary Rose Oakar) would provide for the implementation of an earn-

ings sharing plan. Under this earnings sharing plan, rather than keeping the records of spouses separate, their earnings records would be added together and divided equally. Each spouse would then have an earnings record in his or her own name. In this way, credits earned before or after a marriage would be added to the shared earnings credits in determining Social Security benefits.

Rep. Oakar's proposal would be implemented gradually to eliminate the possibility of a person receiving a lower benefit under earnings sharing than under current law. This hold-harmless clause protects spouses who are under the present Social Security system from losing benefits while the new benefit formula is being implemented.

Other Reforms

The following short-range reforms address specific problems that women encounter under the Social Security system.

2. Full Benefits for Disabled Widow(ers)

H.R. 159 (Rep. Mary Rose Oakar) provides full benefits for disabled widows and widowers without regard to age and without regard to any previous reduction in their benefits. Currently, disabled widows are eligible to receive reduced benefits at age 50. This reduction in benefits is never regained and younger disabled widows receive no benefits.

3. Transition Benefit for Displaced Homemakers

H.R. 160 (Rep. Mary Rose Oakar) provides for the payment of a transition benefit to the spouse of a worker upon the worker's death if the spouse has attained age 50 and is not otherwise immediately eligible for benefits. This will provide some income security for displaced homemakers during the transition to economic independence.

4. Definition of Disability for Widow(ers)

H.R. 556 (Rep. Jim Oberstar) repeals the separate definition of disability presently applicable to widows and widowers. Currently, widows and widowers are required to demonstrate "inability to perform any job" to qualify for disability benefits, while workers are only required to show inability to perform their own job.

C. Military spouse pension reform

Many military spouses find themselves without retirement benefits after a divorce. Although current law allows courts to consider military retirement pay in divorce settlements, many courts fail to recognize the contribution and sacrifices of the spouse to a military career. Due to frequent moves, a military spouse is unable to establish a pension based on years worked with a single employer.

In 1980 and 1982 Congress passed laws for CIA and Foreign Service spouses allowing them to claim a portion of retirement benefits based on years contributed to the career, subject to court review. This policy should be extended to military spouses.

H.R. 2365, the Uniformed Services Former Spouse Retirement Equity Act (Rep. Patricia Schroeder) would establish a pro rata presumption to the retirement pay for former spouses. The division would be subject to court review and would simplify annuity division. The bill would also expand options available to those members and spouses who want to participate in the military Survivor Benefit Plan to provide financial protection for a survivor upon the member's death.●

● Ms. SNOWE. Mr. Speaker, on Monday, May 13, 1985, the Economic Equity Act of 1985 (H.R. 2472) was introduced and I am pleased to be a co-sponsor of this important piece of legislation. The omnibus bill contains 22 separate items, dealing with women's retirement security, dependent care, insurance, employment, and tax reform.

The Congressional Caucus for Women's Issues has prepared a substantial briefing paper on dependent care, the second title of the EEA. I bring this information to the attention of my colleagues today and urge that you join me in support of the Economic Act of 1985:

II. DEPENDENT CARE

A. Title XX of Social Security Act (H.R. 789, Kennelly).

B. Higher Education Act Amendments (H.R. 2111, Burton).

C. Child Care in Public Housing (H.R. 2176, Kaptur).

Women contribute significantly to the economic security of their families.

In 1984, nearly two-thirds of all women in the civilian labor force were either single (26%), divorced (11%), widowed (5%), separated (4%), or had husbands whose 1983 incomes were less than \$15,000 (19%).

Projections for the year 1995 indicate that there will be 61,417,000 women, 16 years and older, in the labor force for a participation rate of 60.3 percent.

Working women are often solely or largely responsible for the care of their children. Without affordable, accessible child care, these women cannot participate in the job market on an equal basis with men.

In 1984, 52 percent of mothers with children under six years of age were employed; 55 percent of mothers with school-age children were employed.

Despite the fact that more than 23 million children in the United States require day or after-school care, in 1982, there were federally supported day care slots for only 500,000 children—a number that would not meet the needs of parents in New York City alone.

Furthermore, women frequently take care of other family members—elderly parents, in-laws, or other relatives. One out of eight retired women left the work force in order to care for an elderly dependent. Eighty percent of all persons over age 65 receive some care from their children.

Services to make dependent care inside and outside the home more accessible and affordable are necessary for both the dependents and the women who are responsible for their care.

A. Title XX of the Social Security Act

Lack of affordable child care is a major factor keeping women and children in poverty. A recent Census Bureau survey found that 45% of nonworking single mothers would work if child care were available at reasonable cost.

Direct funding of dependent care programs is crucial at this juncture to allow millions of low-income women charged with the care of children or other dependents to provide essential economic support for their families.

Title XX of the Social Security Act, established in 1974 to provide social services funding to states, is the primary source of

dependent care funding. In 1981, Title XX funds were reduced from \$2.9 billion to \$2.4 billion for FY 82 and the program was converted to a block grant. As a block grant program, funds are disbursed to the states which then make allocations among the various authorized social service programs.

In spite of the increasing need for child care services, 25 states spent less for child care in 1984 than they did in 1981, and 27 states served fewer children in 1984 than in 1981.

H.R. 798 (Rep. Barbara Kennelly) would provide for greater access to affordable child care through direct grants and the establishment of a national resource center on child care. H.R. 798 would increase the Title XX social services block grant authorization level from \$2.7 billion to \$3.42 billion, the approximate level at which Title XX would have been funded this year had cutbacks not been instituted in 1981. Of these funds, \$300 million is set aside for child care.

Also emphasized in the bill are provisions for services to prevent child abuse and to train child care workers. It provides \$70 million for child care training and training for other human services staff and \$50 million for incentive grants to states to encourage implementation and enforcement of day care regulations published by the Department of Health, Education, and Welfare in 1980.

B. Child care under the Higher Education Act

Higher education is often the ticket to economic self-sufficiency, for men as well as women. Yet women face particular obstacles to obtaining that education. Many women leave school to have children and must find child care services if they are to return to school.

For economically disadvantaged women, the cost of child care on top of other financial burdens may effectively preclude them from pursuing a college education. Providing child care services to these women enables them to stay in school and acquire skills and knowledge which would in turn qualify them for better paying jobs.

The more education a woman has, the greater the likelihood she will seek paid employment. In 1981, among women with four or more years of college, 69 percent were in the labor force, compared to 55 percent of those women with only four years of high school.

H.R. 2111 (Rep. Sala Burton) amends the Higher Education Act to address the need for special child care services for economically disadvantaged college students and to improve child care training opportunities. The bill would establish a grant program to make child care available to low-income, first generation college students. It also would provide for students to gain practical experience studying child care by funding part-time employment in child care programs. This training program must not displace current workers but expand the available child care services.

C. Child care in public housing

One in five children is growing up in a one-parent household. By 1990, the ratio will increase to one in four. Over one-third of these families, most often headed by women, live below the poverty level.

Of the 9.5 million women who maintained families in 1982, 60.4 percent were civilian labor force participants, 11.1 percent were unemployed.

At the end of 1984, 41.3 percent of households in public housing projects were headed by females.

Access to affordable child care within public housing projects would allow a large number of women who head households to seek full-time employment, thus increasing their self-sufficiency.

The fiscal year 1984 supplemental appropriations bill (Public Law 98-181), authorized demonstration projects for child care facilities in public housing. However, funds were never appropriated for these projects.

H.R. 2176 (Rep. Marcy Kaptur) would establish grants for child care programs in public housing projects. Under the bill, public housing agencies would contract with nonprofit organizations within their communities to provide child care services to low-income families in public housing. The bill would also encourage the direct involvement of public housing residents by employing these residents—especially elderly individuals—in the child care programs. ●

● Mrs. BURTON of California. Mr. Speaker, on Monday, May 13, 1985, the Economic Equity Act of 1985 (H.R. 2472) was introduced and I am pleased to be a cosponsor of this important piece of legislation. The omnibus bill contains 22 separate items, dealing with women's retirement security, dependent care, insurance, employment, and tax reform.

The Congressional Caucus for Women's Issues has prepared a substantial briefing paper on insurance, the third title of the EEA. I bring this information to the attention of my colleagues today and urge that you join me in support of the Economic Act of 1985.

III. INSURANCE

A. Nondiscrimination in Insurance (H.R. 1793, Dingell/Florio/Mikulski).

B. Health Insurance Continuation (H.R. 21, Stark/Clay).

A. Nondiscrimination in insurance

Insurance is one of the remaining areas where discriminatory practices are permitted and even defended. But this discrimination costs women millions of dollars each year. Insurance companies use sex-distinct actuarial tables and statistics to determine pricing and payment schemes in auto, life, health, disability, pension, and annuity coverage. Common insurance practices discriminate against women in availability and extent of coverage, benefit levels, and availability of options.

Redlining—the practice of denying insurance or varying the terms of insurance for inner-city residents and business owners—has been reported to be an ongoing practice of property and casualty insurers in certain areas of the country. This practice has a disproportionate impact on racial and ethnic minorities and can preclude its victims from purchasing property.

H.R. 1793 (Reps. John Dingell, James Florio, and Barbara Mikulski) would prohibit discrimination in insurance on the basis of race, color, religion, national origin, or sex.

Court Action

The Supreme Court, in *Arizona Governing Committee v. Norris* (1983), held that the use of sex-distinct tables in calculating pension benefits for employer plans constituted sex discrimination under Title VII of the Civil Rights Act of 1964. The decision reaffirms the principle upon which this legislation is founded by squarely rejecting the

use of actuarial tables that classify risk on the basis of sex.

In response to the *Norris* decision, many insurance companies are converting employer-purchased policies to unisex standards. Individual policies, however, are not covered by Title VII or the *Norris* decision, making H.R. 1793 essential to fair insurance practices.

The Pennsylvania Supreme Court recently held that differential auto rates for men and women violate the state Equal Rights Amendment, other cases challenging the legality of this continuing discrimination under local nondiscrimination laws are pending. Federal legislation is necessary to end the practice of evaluating individual risks on the basis of broad and invidious classifications.

Federal Response

The nondiscrimination in insurance legislation has spurred controversy about costs to the industry of implementing the bill. In response to cost concerns, the bill:

Is completely prospective. There is no requirement to increase benefits for current beneficiaries. All future retirees or beneficiaries, however, would be ensured equal benefits when payment begins.

Allows insurers to equalize future benefits in whatever manner they choose. There is no requirement for them to top up all benefits.

Has an effective date of one year after enactment.

In these ways, the bill would eliminate discriminatory insurance practices without imposing high costs on insurance companies.

B. Health Insurance Continuation

Eighty-five percent of all health insurance is group insurance—generally provided through employment. Many American workers and their families receive health insurance benefits in this manner.

A change in marital status—divorce or widowhood—often leaves the surviving or former spouse of an employee without health coverage. Six million widows and divorced women are unable to obtain any health insurance. Although these women are sometimes allowed to convert the employer-provided group coverage to an individual policy, this is very expensive and often excludes any pre-existing conditions.

The surviving or former spouse consequently is put into the position of paying much more for health insurance while receiving less. A common occurrence is that these women must do without health coverage altogether.

H.R. 21 (Reps. Pete Stark and Bill Clay) would require insurers to continue health insurance coverage of these women and their families for five years. Specifically, the bill would deny business tax deductions for group health insurance to employers who fail to provide five years of continuation coverage to widows, widowers, and their dependent children; divorced and separated spouses and their dependent children; and spouses under age 65 of Medicare eligible employees. In order to continue in the group, the former or surviving spouse would be required to pay the entire premium. ●

● Mrs. LONG. Mr. Speaker, on Monday, May 13, 1985, the Economic Equity Act of 1985, H.R. 2472, was introduced and I am pleased to be a cosponsor of this important piece of legislation. The omnibus bill contains 22 separate items, dealing with women's

retirement security, dependent care, insurance, employment, and tax reform.

The Congressional Caucus for Women's Issues has prepared a substantial briefing paper on employment, the fourth title of the EEA. I bring this information to the attention of my colleagues today and urge that you join me in support of the Economic Equity Act of 1985.

IV. EMPLOYMENT

A. Pay Equity:

1. Enforcement and Education (H.R. 375, Oakar).

2. Federal Study (H.R. 27, Oakar).

3. Legislative Study (H. Con. Res. 139, Snowe).

B. Training for AFDC Mothers (H.R. 880, Johnson).

C. Women in Business:

1. Commission (H.R. 887, Moody/Boggs).

2. Equal Credit (H.R. 1575, Mitchell/Boggs).

A. Pay equity

The principle of pay equity describes a means to correct the wage gap that exists between men and women. Presently, women earn 63¢ for every dollar a man earns. This ratio is even lower for black and Hispanic women who earn 58¢ and 53¢ respectively.

Many studies have been conducted to determine whether the wage gap is due to factors other than discrimination, such as attachment to the work force, level of experience, education, and job commitment. These factors have accounted for generally one-fourth, and never more than one-half, of the difference in earnings. Most studies concur that the wage gap is due in large part to discrimination.

In 1983, women workers with four or more years of college education had an average income slightly above that of men who had only one to three years of high school—\$14,679 and \$12,117, respectively. Women high school graduates (no college) working year round and full-time had an average income that was lower than that of fully employed men who had completed less than eight years of elementary school—\$13,787 and \$14,093, respectively.

Of the top ten predominantly female jobs, only one pays more than \$14,000 a year. In contrast, only one of the top ten male-dominated jobs pay less than \$14,000.

Pay equity will eliminate sex and race discrimination from the wage-setting process and pay women and men according to their jobs' worth. It requires that wages be based on the skill, effort, responsibility, working conditions, and other factors related to job content, rather than based on historical patterns of discrimination.

Legal Background

Laws and judicial decisions have paved the way for implementation of pay equity. The Equal Pay Act of 1963 mandates equal pay for equal work and Title VII of the Civil Rights Act of 1964 prohibits sex discrimination in wages and other benefits of employment. Twenty years after the passage of these laws, however, discrimination in wages and compensation persists.

In 1981, the Supreme Court ruled in *County of Washington v. Gunther* that a wage discrimination action may be maintained under Title VII even where the jobs performed are not identical.

1. Enforcement and Education

Existing law supports the principle of pay equity and its implementation. What is now

needed is more rigorous enforcement of these laws and educational efforts on ending sex discrimination in employment.

H.R. 375 (Rep. Mary Rose Oakar) would require the Equal Employment Opportunity Commission (EEOC) to develop an educational program on eliminating sex-based wage discrimination from private sector pay systems. The bill would also mandate periodic reports by the Chair of the Equal Employment Opportunity Commission, the Secretary of Labor, and the Attorney General to the President and Congress describing the activity each agency has taken to enforce current laws which prohibit sex-based wage discrimination.

Job Evaluation Studies

One manner in which wage discrimination is identified is through a job evaluation study. Job evaluation studies provide a technique for assessing the relative worth of different jobs. Through numerical rating systems, the skill, responsibility, effort, and working conditions of different jobs can be objectively compared.

These job evaluation techniques have been used for many years as a method of determining wages. It is estimated that almost two-thirds of the adult working population are already paid on the basis of a job evaluation scheme. Thirty-five states are conducting or implementing the results of such studies. The federal government, as the nation's largest employer, should ensure that its wage practices are nondiscriminatory.

2. Federal Study

H.R. 27, the Federal Pay Equity and Management Improvement Act of 1985 (Rep. Mary Rose Oakar), calls for an independent consultant to conduct a study of the federal civil service pay classification system. The final report is to include recommendations for correcting any discriminatory wage practices identified.

3. Legislative Study

H. Con. Res. 139 (Rep. Olympia Snowe) establishes a commission that would in turn select a private contractor to conduct a study of the pay practices of the Library of Congress. The commission would then make recommendations to implement pay equity throughout the legislative branch.

Where studies have been conducted and pay equity plans implemented over time, the costs to the employer have been minimal. The tangible and intangible benefits to both the employer and employee, however, have been immeasurable.

B. Education and training for AFDC mothers

Almost 60 percent of women on AFDC have children under the age of six.

Over two-thirds of AFDC recipients have not completed high school.

While entering the work force is difficult for any woman, a woman who lacks a high school education, marketable skills, and child care assistance is highly unlikely to be aware of her abilities and career options or successful at seeking employment.

H.R. 880 (Rep. Nancy Johnson) would establish a demonstration program, with six pilot projects in urban areas and four in rural areas. The pilot programs would offer 20 hours a week of education or training to single AFDC parents, with emphasis on assisting participants to obtain a high school diploma, develop a career plan, and pursue appropriate special training.

Projects would provide child care services and transportation to enable parents to participate. Utilization of facilities that are al-

ready available in the community, such as classroom space and school buses, is encouraged to minimize the costs for instruction, on-site day care, and transportation.

Newly employed people often return to the welfare rolls because they cannot afford child or health care. These services are continued on an income-related basis following completion of the program to assist in the transition to self-reliance.

C. Women in business

In 1984, three million women owned businesses and generated over \$40 billion in revenue.

In 1983, women owned 26% of all sole proprietorships.

Between 1972 and 1983, the number of self-employed women grew by 77.8% as compared to a 28.5% increase for men.

1. Commission

H.R. 887 (Reps. Jim Moody and Lindy Boggs) would create a nine-member bipartisan commission to review and evaluate the status of women-owned small businesses. The panel would submit a report of its findings to the President and to Congress after a two year period. The commission would also:

Examine the role of the government in enhancing small businesses, particularly businesses owned by socially and economically disadvantaged women;

Recommend ways for women business owners to gain access to financing and procurement;

Recommend new private sector initiatives to provide technical assistance to women-owned businesses.

This Commission would complement the Administration's efforts to study women and small business by focusing on federal procurement and involving the legislative branch.

2. Equal credit

The Equal Credit Opportunity Act was originally intended to apply to business and commercial loans with a few exceptions. However, the interpretation of these exceptions has led to the effective exemption of business and commercial credit from the purview of the Act. Women are protected from credit discrimination as individuals, but encounter problems when applying for business credit.

H.R. 1575 (Reps. Parren Mitchell and Lindy Boggs) would amend the Equal Credit Opportunity Act to clarify its application to business and commercial loans.●

● Mrs. SCHNEIDER. Mr. Speaker, on Monday, May 13, 1985, the Economic Equity Act of 1985 (H.R. 2472) was introduced and I am pleased to be a cosponsor of this important piece of legislation. The omnibus bill contains 22 separate items, dealing with women's retirement security, dependent care, insurance, employment, and tax reform.

The Congressional Caucus for Women's Issues has prepared a substantial briefing paper on tax reform, the fifth title of the EEA. I bring this information to the attention of my colleagues today and urge that you join me in support of the Economic Act of 1985.

V. TAX REFORM

A. Head-of-Household ZBA (Kennelly).

B. Earned Income Tax Credit (Rangel).

C. Dependent Care Tax Credit (Snowe).

D. Spousal IRAs (H.R. 797, Kaptur).

E. Nondiscrimination in Clubs (H.R. 876, Gejdenson).

Current tax policies are based on a traditional family model which presumes women to be economically dependent and fails to recognize the economic realities of our rapidly changing social structure. Moreover, the tax policies implemented since 1981 have contributed to a disproportionate tax burden on the working poor.

Simplification of the federal tax system is likely to be a major issue of the 99th Congress. Several reform proposals have been recommended. Sen. Bill Bradley and Rep. Richard Gephardt have introduced the FAIR tax plan (Bradley-Gephardt), Rep. Jack Kemp and Sen. Bob Kasten have introduced the FAST tax plan (Kemp-Kasten), and the U.S. Treasury has come up with its own tax proposal.

The following individual tax equity provisions should be included in any reform plan to alleviate current tax inequities and to establish priorities for women in the ongoing tax policy debate.

A. Single heads-of-household zero bracket amount

Under the tax code, a head-of-household is a single person who maintains a home for at least one dependent. These heads-of-household are primarily women with children, many of whom are poor.

Generally, head-of-household units have only one earner. Almost 60% of married couples have two incomes.

In 1983, 36% of all female-headed families, including 54% of black and 53% of Hispanic female-headed families, lived in poverty. In the same year, 7.6% of married couple families were in poverty.

Currently, single heads-of-household have the same "zero bracket amount" (ZBA) or standard deduction as single taxpayers with no dependents (\$2,390). Married couples filing jointly receive a ZBA of \$3,540. The principle of the ZBA in the tax structure is to provide a minimum amount of tax-free income for basic living expenses. This concept is especially important to low-income families who generally do not itemize deductions.

In 1983, the median income for female-headed households was \$11,789, and for married couples it was \$27,286.

In 1984, a single-parent family of four at the poverty level paid \$135 more in federal taxes than a two-parent family of four at the poverty level.

H.R. — (Rep. Barbara Kennelly) would raise the ZBA for single heads-of-household to that of married couples filing jointly.

The Treasury plan partially recognizes the inequity of the tax burden on heads-of-household. It sets the ZBA for heads-of-household at \$3,500 compared to \$2,800 for single returns and \$3,800 for joint returns.

The Bradley-Gephardt and Kemp-Kasten proposals maintain the two-tier system: Bradley-Gephardt increases the ZBA to \$3,000 and \$6,000 for single and joint returns; Kemp-Kasten sets the ZBA at \$2,700 and \$3,500, respectively.

B. Earned income tax credit

The Earned Income Tax Credit (EITC) is a refundable tax credit that was enacted in 1975 exclusively for low-income workers with children.

The purpose of the EITC is to provide an incentive for low-income families to work rather than to receive public assistance and to offset the Social Security taxes paid by

low-income earners. The enactment of the EITC brought the income tax threshold above the poverty line ensuring that most poor working families would pay little or no federal income tax. But despite its original intent, the small increases in 1979 and 1984 have failed to keep working poor families above the poverty threshold.

A two-parent family of four with earned income at the poverty line pays approximately 10% of its income in federal taxes.

A single head-of-household family of four at the poverty line pays approximately 12% of its income in federal taxes.

The EITC is a credit against the tax liability of families earning \$11,000 per year or less, and it is refundable for a family whose credit exceeds its liability. In this way, the EITC resembles a negative income tax.

The EITC is available on a sliding scale basis. The maximum credit available is \$550 to those families with earnings between \$5,000 and \$6,500 and is phased out between \$6,500 and \$11,000 of earned income.

H.R. — (Rep. Charles Rangel) would index the EITC and increase it from 11% to 16% of the first \$5,000 of earned income. It would phase out the maximum credit of \$800 between \$11,000 and \$16,000 of earnings at a 16% rate.

The Bradley-Gephardt proposal maintains the current EITC; the Treasury proposal indexes it; the Kemp-Kasten plans indexes and reduces the tax credit. All three proposals raise the tax threshold through other mechanisms.

C. Dependent care tax credit

Women are in the work force because of economic necessity. Almost 54% of adult women were working or looking for work in 1984 and 40% of working women have children. Access to affordable dependent care is crucial in ensuring that women have the same ability as men to enter and continue in the job market. Dependent care is costly and a range of prices is not available.

In 1981, Congress enacted a sliding scale dependent care tax credit (DCTC) to replace the previous flat rate of 20%. The maximum DCTC is 30% of dependent care expenses up to \$2,400 for one dependent and \$4,800 for two or more and is available to taxpayers with adjusted gross income under \$10,000, phased down to 20% for taxpayers earning \$28,000 or more.

The dependent care tax credit currently represents the largest federal expenditure for dependent care. Over four million families used the tax credit, but only 7% of these claims are made by families with an income of less than \$10,000. Presently, the tax credit is not refundable; it is only available to offset tax liability.

H.R. — (Rep. Olympia Snowe) would expand and index the dependent care tax credit. It would expand the current sliding scale to 50% for those earning \$10,000 or less, decreasing to 20% for those earning \$40,000 or more. It would index the income thresholds and make the credit refundable for low-income families who owe no income tax.

Rep. Snowe's bill would also provide a tax credit for respite care of disabled children and adult dependents who are physically or mentally unable to care for themselves. This credit would be available for the applicable percentage of up to \$1,200 in respite care expenses.

The dependent care tax credit is converted to a deduction by the Treasury and Bradley-Gephardt proposals. The Kemp-Kasten plan eliminates the credit altogether.

D. Spousal individual retirement accounts

Under current law a taxpayer may set up an Individual Retirement Account (IRA) and contribute up to \$2,000 a year or 100% of earned income, whichever is less, and deduct this amount from taxable income. If an employee sets up separate IRAs for himself and his homemaker wife, he is allowed to contribute up to \$2,250, but no more than \$2,000 may be contributed to one account.

This policy fails to recognize the economic contribution of homemakers to their households and does not provide an equal opportunity for retirement savings to couples with a nonworking spouse.

H.R. 797 (Rep. Marcy Kaptur) would gradually increase the allowable IRA contribution for a nonworking spouse based on the working spouse's income. The allowable contribution for a joint return with a nonworking spouse would be increased from the current \$2,250 to \$2,750 for FY 86 and 87, \$3,250 for FY 88 and 89, \$3,750 for FY 90 and 91, and \$4,000 thereafter.

Under the Treasury proposal, the IRA deduction is raised to \$2,500 and extended to nonworking spouses. The Bradley-Gephardt and Kemp-Kasten proposals retain the current policy regarding IRAs.

E. Nondiscrimination in business expense deduction

There are private clubs in this country that have discriminatory policies in terms of restricting membership and use of facilities on the basis of race, color, religion, national origin, or sex. Members of these clubs often take business expense tax deductions for dues or expenses incurred at these clubs. In short, this leads to a government subsidy of discrimination.

H.R. 876 (Rep. Sam Gejdenson) would disallow the business deduction for entertainment and travel-related lodging when such activity takes place in a private club that discriminates on the basis of race, color, religion, national origin, or sex.

H.R. 876 in no way prohibits anyone from joining the club of his or her choice. It simply puts an end to the practice of conducting tax-deductible business in a discriminatory establishment. To the extent that these are business clubs, they should not be allowed to discriminate; to the extent that they are social clubs, expenses incurred therein should not be tax deductible.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DINGELL (at the request of Mr. WRIGHT), for today, on account of medical reasons.

Mr. HUTTO (at the request of Mr. WRIGHT), after 12 noon today, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BLAZ) to revise and extend their remarks and include extraneous material:)

Mr. GREEN, for 10 minutes, today.

Mr. DREIER of California, for 5 minutes, today.

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. DERRICK, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. BUSTAMANTE, for 5 minutes, today.

(The following Member (at the request of Mr. GINGRICH) to revise and extend her remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GREEN, immediately after the remarks of the gentleman from Massachusetts [Mr. BOLAND], on H.R. 2577, in the Committee of the Whole, today.

Mr. MILLER of Ohio, following the remarks of Mr. MYERS of Indiana on H.R. 2577, supplemental appropriations bill, 1985, in the Committee of the Whole today.

Mr. DAUB, and to include extraneous material during consideration of H.R. 2577 in the Committee of the Whole today.

(The following Members (at the request of Mr. BLAZ) and to include extraneous matter:)

Mr. COURTER.

Mr. WHITEHURST.

Mr. LEWIS of Florida.

Mr. CAMPBELL in two instances.

Mr. GEKAS.

Mr. RITTER.

Mr. JEFFORDS in two instances.

Mr. GUNDERSON in two instances.

Mr. BROOMFIELD.

Mr. HARTNETT.

Mr. CRANE.

Mr. GREEN.

Mr. SOLOMON.

Mr. THOMAS of California.

Mr. MCKERNAN.

Ms. SNOWE.

Mr. KEMP.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)

Mr. BONIOR of Michigan.

Mr. MONTGOMERY.

Mr. UDALL.

Mr. SABO.

Mr. ST GERMAIN.

Mr. FLORIO.

Mr. ACKERMAN.

Mr. GUARINI.

Mr. BARNES in two instances.

Mr. LELAND.

Mr. MRAZEK.

Mr. DINGELL.

Mr. RANGEL in three instances.

Mr. FRANK.

Mrs. BURTON of California.

Mr. SCHUMER.

Mr. TALLON.

Mr. LEVINE of California.

Mr. CHAPPELL.

Mr. TORRES.

Mr. WYDEN.

Mr. RAHALL.

Mr. LUNDINE.

Mrs. LONG.

Mr. WEISS in two instances.

Mr. WOLPE.

Mr. STARK in two instances.

Mr. TORRICELLI.

Mr. FORD of Tennessee, in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1195. An act to require that a portion of the mail of Congress and the executive branch include a photograph and biography of a missing child; referred to Committee on House Administration and Post Office and Civil Service.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 93. Joint resolution to designate the month of May 1985 as "Better Hearing and Speech Month."

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 873. An act to amend title 5, United States Code, to provide that employee organizations which are not eligible to participate in the Federal employees health benefits program solely because of the requirement that applications for approval be filed before January 1, 1980, may apply to become so eligible, and for other purposes.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p.m.) the House adjourned until Monday, June 10, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1419. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-28, "Georgetown University Rev-

enue Bond Act of 1985," and report, pursuant to the Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1420. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-25, "Institutional Care Under Contract Amendment Act of 1985," and report, pursuant to the Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1421. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-26, "State Revenue Officers Amendment Act of 1985," and report, pursuant to the Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1422. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-27, "D.C. Newborn Screening Requirement Act of 1979 Amendments Act of 1985," and report, pursuant to the Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1423. A letter from the Secretary of Education, transmitting final training priorities under the Training Program for special programs staff and leadership personnel, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1424. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend authority for the Federal Council on the Aging; to the Committee on Education and Labor.

1425. A letter from the Chairman, National Research Council, transmitting a report entitled: "Transportation Professionals: Future Needs and Opportunities," pursuant to Public Law 97-424, section 135; to the Committee on Public Works and Transportation.

1426. A letter from the Assistant Attorney General, Department of Justice, transmitting a legislative proposal to amend title 18 of the United States Code and other laws to make minor or technical amendments to provisions enacted by the Comprehensive Crime Control Act of 1984; jointly, to the Committees on the Judiciary, Ways and Means, Energy and Commerce, and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2385. A bill to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such act, and for other purposes; with amendments (Rept. No. 99-162). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. House Resolution 191. Resolution providing for the consideration of H.R. 1452, a bill to amend the Immigration and Nationality Act to extend for two years the authorization of appropriations for refugee assistance, and for other purposes (Rept. No. 99-163). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 192. Resolution providing

for the consideration of H.R. 1787, a bill to amend the Export-Import Bank Act of 1945 (Rept. No. 99-164). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FOLEY:

H.R. 2683. A bill to amend the Securities Exchange Act of 1934 to exempt certain eligible broker-dealers from self-underwriting regulations; to the Committee on Energy and Commerce.

By Mr. FISH:

H.R. 2684. A bill to clarify the application of the Clayton Act with respect to rates, charges, or premiums filed with State insurance departments or agencies; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 2685. A bill to amend title V of the Social Security Act to require States to provide women during and after pregnancy with access to their medical records and current information on obstetrical procedures and to amend the Federal Food, Drug, and Cosmetic Act to require the dissemination of information on the effects and risks of drugs and devices on the health of pregnant and parturient women and of prospective and developing children; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. BOXER (for herself, Mr. FAUNTROY, Ms. MIKULSKI, Mr. KOLTER, Mr. RICHARDSON, Mr. TRAFICANT, and Mr. MITCHELL):

H.R. 2686. A bill entitled "The Drunk Driving Prevention Act of 1985"; to the Committee on the Judiciary.

By Mr. BRUCE (for himself, Mr. BIAGGI, Mr. DYMALLY, Mr. HAYES, Mr. OWENS, Mr. PERKINS, and Mr. GOODLING):

H.R. 2687. A bill to amend the Higher Education Act of 1965 to reduce the default rate on student loans, and for other purposes; to the Committee on Education and Labor.

By Mr. CLAY:

H.R. 2688. A bill to amend section 2(11) of the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. COLEMAN of Texas:

H.R. 2689. A bill to clarify and augment certain provisions of the Motor Carrier Safety Act of 1984 regarding the certificate of registration procedures for foreign carriers; to the Committee on Public Works and Transportation.

By Mr. GINGRICH (for himself and Mr. MACKEY):

H.R. 2690. A bill entitled "The Critical Trends Assessment Act"; jointly, to the Committees on Government Operations and Rules.

By Mr. GREEN (for himself, Mr. FAZIO, Mr. ACKERMAN, Mr. AU COIN, Mr. BATES, Mr. BERMAN, Mr. BEILSON, Mrs. BOXER, Mrs. BURTON of California, Mrs. COLLINS, Mr. CROCKETT, Mr. DELLUMS, Mr. DIXON, Mr. DYMALLY, Mr. EDWARDS of California, Mr. HAYES, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. MCKERNAN, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI,

Ms. MIKULSKI, Mr. MILLER of California, Mr. MINETA, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. RANGEL, Mr. SCHEUER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SEIBERLING, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. TOWNS, Mr. UDALL, Mr. WAXMAN, Mr. WEAVER, Mr. WHEAT, Mr. YATES, Mr. TORRICELLI, Mr. FRANK, Mr. WILLIAMS, Mr. WIRTH, Mr. WEISS, Mr. KASTENMEIER, Mr. CONYERS, Mr. GARCIA, Mr. FORD of Tennessee, Mr. KOSTMAYER, Mr. EDGAR, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. WOLPE, Mr. BOSCO, Mr. CLAY, Mr. GILMAN, Mr. MCKINNEY, Mr. GELDENSON, Mr. WYDEN, Mr. LEVIN of Michigan, Mr. MITCHELL, Mr. ROYBAL, Mr. TORRES, Mrs. ROUKEMA, and Mr. HAWKINS):

H.R. 2691. A bill to amend various provisions of law to ensure that services related to abortion are made available in the same manner as are all other pregnancy-related services under federally funded programs; jointly, to the Committees on Energy and Commerce, Post Office and Civil Service, Armed Services, Interior and Insular Affairs, Foreign Affairs, and the District of Columbia.

By Mr. JEFFORDS (for himself and Mr. CLAY):

H.R. 2692. A bill to amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to permit certain loans from employee benefit plans to owner-employees and shareholder-employees; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. ROE:

H.R. 2693. A bill to provide the temporary suspension of the duty on mixtures of 1,2-dimethyl 1-3,5-diphenylpyrazolium methyl sulfate (difenzoquat methyl sulfate); to the Committee on Ways and Means.

By Mr. ROTH (for himself, Mr. PETRI, Mr. SENSENBRENNER, Mr. GUNDERSON, Mr. KASTENMEIER, Mr. KLECZKA, Mr. OBEY, and Mr. ASPIN):

H.R. 2694. A bill designating the U.S. Post Office Building located at 300 Packerland Drive, Green Bay, WI, as the "John W. Byrnes Post Office and Federal Building; to the Committee on Post Office and Civil Service.

By Mr. SABO:

H.R. 2695. A bill to provide Federal assistance to States to establish a program for coverage of catastrophic health care expenses; to the Committee on Energy and Commerce.

H.R. 2696. A bill to provide for certification and require the offering of qualified health plans, to provide Federal assistance to States to establish a program of assistance for low-income persons to purchase comprehensive health insurance and a program for coverage of catastrophic health care expenses; and for other purposes; to the Committee on Energy and Commerce.

By Mr. SKELTON:

H.R. 2697. A bill to amend section 794 of title 18, United States Code, to provide more severe penalties for certain forms of espionage; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 2698. A bill to designate the U.S. Courthouse in Tucson, AZ, as the "James A. Walsh United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. WAXMAN:

H.R. 2699. A bill to amend title XVIII of the Social Security Act with respect to pay-

ment for direct and indirect medical education costs under the Medicare Program and to amend title XIX of the Social Security Act with respect to payment for direct medical education costs under the Medicaid Program; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. ROYBAL:

H.R. 2700. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to require pension plans to allow participation by employees nearing normal retirement age and to allow benefit accrual by participants to continue past normal retirement age; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. ROYBAL (for himself, Mr. SKELTON, Mrs. COLLINS, Mr. BIAGGI,

Mr. MITCHELL, Mr. ST GERMAIN, Mrs. SCHROEDER, Mr. STOKES, Mr. VENTO, Mr. MACKEY, Ms. OAKAR, Mr. PEPPER, Mr. CROCKETT, Mr. FORD of Tennessee, Mr. DYMALLY, and Mr. TOWNS):

H.R. 2701. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to provide for additional and more effective controls on terminations of single-employer plans and reversions to employers resulting from such terminations; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. WIRTH (for himself, Mr. CHENEY, Mr. KRAMER, Mr. LUJAN, Mr. NIELSON of Utah, Mr. REID, Mr. RICHARDSON, Mr. SCHAEFER, Mrs. SCHROEDER, Mr. SKEEN, Mr. STRANG, and Mrs. VUCANOVICH):

H.R. 2702. A bill to grant the consent of the Congress to the Rocky Mountain Low-Level Radioactive Waste Compact; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. WYDEN (for himself, Mr. FLORIO, Mr. BRYANT, and Mr. FORD of Tennessee):

H.R. 2703. A bill to amend titles XVIII and XIX of the Social Security Act to provide for coverage of respiratory care services for ventilator-dependent individuals under Medicare and Medicaid; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. BROOKS:

H.J. Res. 308. Joint resolution designating the week beginning on October 20, 1985, as "Benign Essential Blepharospasm Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. TORRICELLI:

H.J. Res. 309. Joint resolution to designate September 1985 as "National Supermarket Child Safety Month"; to the Committee on Post Office and Civil Service.

By Mr. FAUNTROY:

H. Con. Res. 161. Concurrent resolution relating to drug trafficking in the Washington metropolitan area; jointly, to the Committees on the District of Columbia and the Judiciary.

By Ms. MIKULSKI:

H. Con. Res. 162. Concurrent resolution to establish a congressional commission to examine the extent to which existing Federal laws protect the interests of fans of professional football and to recommend legislation to provide additional protections, and to express the sense of the Congress that no professional football franchise should relocate during the existence of the commission; jointly, to the Committees on the Judiciary,

Energy and Commerce, and House Administration.

By Mr. TORRICELLI:

H. Con. Res. 163. Concurrent resolution expressing the sense of Congress with respect to the volunteer activities of the Friends of Lubavitch organization; to the Committee on Post Office and Civil Service.

By Mr. THOMAS of California (for himself, Mr. CHAPPIE, Mr. MOORHEAD, and Mr. LEWIS of California):

H. Res. 193. Resolution relating to the continued participation of the United States in the General Agreements on Tariffs and Trade; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Mr. McCOLLUM, Mr. TOWNS, and Mr. BUSTAMANTE.

H.R. 64: Mr. DEWINE, Ms. KAPTUR, and Mr. SMITH of New Jersey.

H.R. 66: Mr. BORSKI, Mr. BARNES, Mr. BROWN of California, Mr. CHAPPIE, Mr. ADDABO, Mr. BEVILL, and Mr. BUSTAMANTE.

H.R. 67: Mr. BORSKI, Mr. BARNES, Mr. BROWN of California, Mr. CHAPPIE, Mr. ADDABO, Mr. BEVILL, and Mr. BUSTAMANTE.

H.R. 229: Mr. LEHMAN of Florida and Mr. LUNDINE.

H.R. 237: Mr. DOWDY of Mississippi, Mr. DURBIN, Mr. GRAY of Illinois, Mr. GROTEBERG, Mr. HARTNETT, Mr. HILLIS, Mr. LUJAN, Mr. SABO, Mr. SNYDER, Mr. SPENCE, Mr. STANGELAND, Mr. WEBER, Mr. WISE, and Mr. YATES.

H.R. 281: Mr. WEAVER.

H.R. 343: Mr. PARRIS.

H.R. 582: Mr. MOLLOHAN.

H.R. 602: Mr. DORNAN of California, Mr. EDWARDS of Oklahoma, Mr. NEAL, and Mr. COMBEST.

H.R. 650: Mr. SAVAGE and Mr. HAYES.

H.R. 700: Mr. DOWDY of Mississippi, Mrs. LONG, Mr. McCLOSKEY, Mr. PENNY, and Mr. SMITH of Iowa.

H.R. 747: Mr. PERKINS.

H.R. 770: Mr. FAUNTROY.

H.R. 822: Mr. PURSELL, Mr. COYNE, Mr. LUKEN, and Mr. TORRICELLI.

H.R. 945: Mr. LEWIS of California, Mr. MORRISON of Washington, Mr. EDWARDS of Oklahoma, Mr. DELAY, Mr. BREAUX, Mr. JONES of North Carolina, Mr. KINDNESS, Mr. RITTER, Mr. KEMP, Mr. SCHAEFER, Mr. HARTNETT, Mr. SPENCE, Mr. DICKINSON, and Mr. RALPH M. HALL.

H.R. 1002: Mr. BONER of Tennessee.

H.R. 1021: Mr. REID, Mr. STANGELAND, Mr. NIELSON of Utah, Mr. FRANK, Mr. CHANDLER, Mr. CLINGER, Mr. ORTIZ, and Mr. LOWERY of California.

H.R. 1047: Mr. STRANG, Mr. BORSKI, Mr. MATSUI, Mr. MARTINEZ, Mr. CROCKETT, Mr. FRENZEL, Mr. BARNARD, Mr. WEAVER, Mr. DERRICK, Mr. FISH, Ms. KAPTUR, Mr. KOLTER, Mr. WEBER, Mr. SABO, Mr. OBERSTAR, Mr. WORTLEY, Mrs. JOHNSON, Mrs. BOGGS, Mr. BIAGGI, Mrs. KENNELLY, Mr. WEISS, Mr. WYLIE, and Mr. MARTIN of New York.

H.R. 1123: Mr. DORGAN of North Dakota and Mr. SHUMWAY.

H.R. 1146: Mr. MATSUI and Mr. SABO.

H.R. 1180: Mr. PACKARD.

H.R. 1201: Mr. MILLER of California, Mr. RIDGE, Mr. GEJDENSON, Mr. VENTO, Mrs. COLLINS, Mr. FORD of Tennessee, Mr. STOKES, Mr. TOWNS, Mr. KOLTER, Mr. WHEAT, Mr. RUSSO, Mr. SMITH of Florida, and Mr. MORRISON of Connecticut.

H.R. 1267: Mr. JONES of Tennessee, Mr. RAY, Mr. SWINDALL, Mr. NICHOLS, and Mr. JENKINS.

H.R. 1294: Mr. HOYER.

H.R. 1295: Mr. JEFFORDS, Mr. ST GERMAIN, Mr. TORRES, and Mr. MORRISON of Connecticut.

H.R. 1326: Ms. KAPTUR, Mr. BEILSONSON, Mr. HEFTEL of Hawaii, Mr. SCHUMER, Mr. MITCHELL, Mr. ROSE, Mr. FROST, Mr. SHELBY, Mr. BARNES, Mr. BEVILL, Mr. KOLTER, Mrs. BOXER, and Mr. MORRISON of Connecticut.

H.R. 1327: Mr. SPRATT, Mr. SMITH of New Jersey, Mr. MATSUI, Mr. JEFFORDS, Mr. MORRISON of Washington, and Mr. GUARINI.

H.R. 1395: Mr. COBEY.

H.R. 1441: Mr. ALEXANDER.

H.R. 1457: Mr. CLINGER and Mr. McCOLLUM.

H.R. 1550: Mr. DARDEN, Mr. PERKINS, and Mr. STENHOLM.

H.R. 1594: Mr. SCHEUER and Mr. MARKEY.

H.R. 1677: Mr. COURTER.

H.R. 1690: Mr. TRAFICANT, Mr. LEVINE of California, Mr. MOODY, Mr. DURBIN, Mr. COURTER, and Mr. LUNGREN.

H.R. 1802: Mr. MURPHY, Mr. COELHO, and Mr. RAHALL.

H.R. 1835: Mr. CLINGER, Mr. WALGREN, Mr. VALENTINE, Mr. MURTHA, Mr. PERKINS, Mr. SKELTON, Mr. YATRON, Mr. GROTEBERG, Mr. YOUNG of Florida, and Mr. HOWARD.

H.R. 1844: Mr. CROCKETT and Mr. FAUNTROY.

H.R. 1877: Mr. WHITEHURST, Mr. GEJDENSON, Mr. TORRICELLI, and Mr. MOAKLEY.

H.R. 1884: Mr. NICHOLS, Mrs. SMITH of Nebraska, Mr. THOMAS of Georgia, Mr. DURBIN, Mr. LEACH of Iowa, Mr. OLIN, Mr. BEREUTER, Mr. WHITLEY, Mr. ROBERTS, Mr. DONNELLY, Mr. FRANKLIN, Mr. BRUCE, Mr. HEFNER, and Mr. FLORIO.

H.R. 1951: Mr. FASCELL, Mr. IRELAND, Mr. LEWIS of Florida, Mr. MACKAY, and Mr. LEHMAN of Florida.

H.R. 1959: Mr. BOEHLERT, Mrs. COLLINS, Mr. WAXMAN and Mr. COELHO.

H.R. 1973: Mr. ROE, Mr. McDADE, Mr. MITCHELL, Mr. FUSTER, Mr. ROBINSON, and Mr. MARKEY.

H.R. 1980: Mr. SCHUMER and Mr. VENTO.

H.R. 2080: Mr. AU COIN, Mr. BARNARD, Mrs. BENTLEY, Mr. BOEHLERT, Mr. BRUCE, Mr. CARR, Mr. CROCKETT, Mr. DOWNEY of New York, Mr. FAZIO, Mr. FEIGHAN, Mr. GARCIA, Mr. LUKEN, Mr. MADIGAN, Mr. MATSUI, Mr. RAHALL, Mr. ROWLAND of Connecticut, Mr. STOKES, and Mr. WILLIAMS.

H.R. 2262: Mr. TALLON and Mr. SYNAR.

H.R. 2325: Mr. CRAIG and Mr. MARLENEE.

H.R. 2382: Mr. BEDELL and Mr. DEWINE.

H.R. 2397: Mr. SLATTERY.

H.R. 2489: Mr. OWENS and Mr. MURPHY.

H.R. 2588: Mr. GRAY of Pennsylvania, Mr. HUGHES, Mr. YOUNG of Alaska, Mr. DAUB, Mr. MURPHY, Mr. EMERSON, Mr. RAHALL, Mr. LEVIN of Michigan, Mr. SHELBY, Mr. GARCIA, Mr. QUILLLEN, Mr. KOLTER, Mr. DEWINE, Mr. HOYER, Ms. KAPTUR, Mr. SKEEN, Mr. KINDNESS, Mr. GREEN, Mrs. HOLT, Mr. DUNCAN, Mr. DENNY SMITH, Mr. McEWEN, Mr. KASICH, Mr. ROBERT F. SMITH, Mr. HENDON, Mr. MCCAIN, Mr. BROWN of Colorado, and Mr. BATEMAN.

H.R. 2597: Mr. LENT, Mr. COYNE, Mr. BORSKI, Mr. TOWNS, Mr. DOWNEY of New York, Mr. DELUMS, Mr. MRAZEK, Mr. KOLTER, Mr. SCHUMER, and Mr. MANTON.

H.R. 2620: Mr. TOWNS, and Mr. GROTEBERG.

H.R. 2626: Mr. OXLEY, Mr. SPENCE, Mrs. HOLT, Mr. HENRY, Mr. SENSENBRENNER, Mr. KINDNESS, Mr. RINALDO, and Mr. McDADE.

H.J. Res. 72: Mr. LANTOS.

H.J. Res. 141: Mr. SHAW, Mr. PANETTA, Mr. GONZALEZ, Mr. LIGHTFOOT, Mr. LOTT, Mr. BOEHLERT, and Mr. MONTGOMERY.

H.J. Res. 151: Mr. MORRISON of Washington.

H.J. Res. 156: Mr. RODINO.

H.J. Res. 164: Mr. ADDABO, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CHAPPIE, Mr. CONYERS, Mr. DANNEMEYER, Mr. DOWDY of Mississippi, Mr. GILMAN, Mr. GONZALEZ, Mr. GUARINI, Mr. HAWKINS, Mr. HAYES, Mr. HUNTER, Mrs. KENNELLY, Mr. LENT, Mr. LEVINE of California, Mr. LEWIS of California, Mr. NEAL, Mr. PANETTA, Mr. RINALDO, Mr. SCHEUER, Mr. SILJANDER, Mr. SPRATT, Mr. STARK, and Mr. WHEAT.

H.J. Res. 207: Mr. MURPHY, Mrs. BYRON, Mr. FROST, Mr. SHUMWAY, Mr. FAZIO, Mr. SMITH of New Jersey, Mr. WAXMAN, Mr. WORTLEY, Mr. FAUNTROY, Mr. YOUNG of Florida, Mr. HORTON, Mr. FISH, Mr. KOLTER, Ms. MIKULSKI, Mr. REID, Mr. GUARINI, Mr. MORRISON of Washington, Mr. ORTIZ, Mr. FEIGHAN, Mrs. HOLT, and Mr. SAVAGE.

H.J. Res. 227: Mr. ACKERMAN, Mr. ADDABO, Mr. AKAKA, Mr. BARNES, Mr. BATEMAN, Mr. BEDELL, Mrs. BENTLEY, Mr. BERMAN, Mr. BEVILL, Mr. BILIRAKIS, Mr. BONER of Tennessee, Mr. BORSKI, Mrs. BOXER, Mr. BROOMFIELD, Mr. BRYANT, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CARNEY, Mr. CARPER, Mr. CHANDLER, Mr. CHAPPELL, Mr. CHAPPIE, Mr. COATS, Mr. COELHO, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. CONTE, Mr. COUGHLIN, Mr. CROCKETT, Mr. DANIEL, Mr. DARDEN, Mr. DASCHLE, Mr. DAUB, Mr. DE LA GARZA, Mr. DEWINE, Mr. DICKINSON, Mr. DI GUARDIA, Mr. DIXON, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. EDGAR, Mr. EMERSON, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FLIPPO, Mr. FLORIO, Mr. FOGLETTA, Mr. FORD of Michigan, Mr. FRANK, Mr. FRANKLIN, Mr. FRENZEL, Mr. FROST, Mr. GALLO, Mr. GARCIA, Mr. GEKAS, Mr. GRAY of Illinois, Mr. GREEN, Mr. GUARINI, Mr. RALPH M. HALL, Mr. HAMMERSCHMIDT, Mr. HATCHER, Mr. HAYES, Mr. HEFNER, Mr. HEFTEL of Hawaii, Mr. HENRY, Mr. HERTZEL of Michigan, Mrs. HOLT, Mr. HORTON, Mr. HOYER, Mr. HUGHES, Mr. HUTTO, Mr. IRELAND, Mr. JENKINS, Ms. KAPTUR, Mr. KASICH, Mr. KASTENMEIER, Mr. KEMP, Mr. KILDEE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LIGHTFOOT, Mrs. LLOYD, Mr. LOEFFLER, Mr. LUNDINE, Mr. McDADE, Mr. McGRATH, Mr. McMILLAN, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MATSUI, Mr. MAZZOLI, Ms. MIKULSKI, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOODY, Mr. MORRISON of Washington, Mr. MURPHY, Mr. NOWAK, Mr. OWENS, Mr. PERKINS, Mr. QUILLLEN, Mr. RANGEL, Mr. REID, Mr. RINALDO, Mr. ROE, Mr. ROEMER, Mr. ROSE, Mrs. ROUKEMA, Mr. ROYBAL, Mr. SABO, Mr. SAVAGE, Mr. SCHEUER, Mr. SHUMWAY, Mr. SHUSTER, Mr. SILJANDER, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Mr. SOLARZ, Mr. SPRATT, Mr. STOKES, Mr. SUNDQUIST, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. TOWNS, Mr. UDALL, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VENTO, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WIRTH, Mr. WOLF, Mr. WOLPE, Mr. WORTLEY, Mr. YATRON, and Mr. YOUNG of Florida.

H.J. Res. 234: Mr. MATSUI, Mr. FROST, and Mr. BROWN of California.

H.J. Res. 245: Mrs. BENTLEY, Mrs. HOLT, Mr. LANTOS, and Mr. SCHEUER.

H.J. Res. 274: Mr. REID, Mrs. HOLT, Mr. KOLBE, and Mr. BERMAN.

H.J. Res. 277: Mr. JACOBS, Mr. MOODY, Mr. LAGOMARSINO, Mr. STOKES, Mrs. HOLT, Mr. FRENZEL, Mrs. BYRON, Mr. HUGHES, and Mr. DYMALLY.

H.J. Res. 304: Mr. DANIEL and Mr. McEWEN.

H. Con. Res. 26: Mr. LANTOS.

H. Con. Res. 60: Mr. OBERSTAR.

H. Con. Res. 69: Mr. MOAKLEY.

H. Con. Res. 99: Ms. MIKULSKI, Mr. LANTOS, Mr. JEFFORDS, Mr. ADDABBO, Mr. DE LA GARZA, and Mr. PASHAYAN.

H. Con. Res. 117: Mr. LEWIS of California.

H. Con. Res. 120: Mrs. BOXER and Mr. FRANK.

H. Con. Res. 127: Mr. ASPIN, Mr. CRAIG, Mr. HILLIS, and Mr. HUTTO.

H. Con. Res. 129: Mr. BURTON of Indiana, Mr. SUNDQUIST, Mr. DRIER of California, Mr. SMITH of New Hampshire, Mr. HUNTER, Mr. GALLO, Mr. GINGRICH, Mr. LIGHTFOOT, Mr. MURPHY, Mr. BROWN of Colorado, Mr. LIPINSKI, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. APPLEGATE, Mr. PORTER, Mr. MONSON, Mr. JEFFORDS, Mr. CRAIG, Mr. GREGG, Mr. MARLENEE, Mr. FROST, Mr. ROWLAND of Connecticut, Mr. HANSEN, Mr. SAVAGE, Mr. DAUB, Mr. RICHARDSON, and Mr. PARRIS.

H. Res. 36: Mr. EVANS of Illinois, Mr. SOLARZ, Mr. CONTE, Mr. FEIGHAN, and Mr. HAYES.

H. Res. 167: Mr. BROOMFIELD, Mr. LOEFELER, Mr. WOLF, Mr. OXLEY, Mr. LAGOMARSINO, Mr. THOMAS of California, Mr. STANGELAND, Mr. PORTER, and Mr. RUDD.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1452

By Mr. SENSENBRENNER:

—Page 13, strike out line 12 and all that follows through line 13 on page 14 and redesignate the succeeding sections accordingly.

Page 2, line 19, insert "and" after the semicolon.

Page 2, strike out lines 20 and 21.

Page 2, line 22, strike out "(3)" and insert in lieu thereof "(2)".

Page 2, line 23, strike out "graphs" and insert in lieu thereof "graph".

Page 2, strike out line 24 and all that follows through line 2 on page 3.

Page 3, line 3, strike out "(5)" and insert in lieu thereof "(4)".

Page 11, line 13, strike out "clauses (i), (ii), and (iii)" and inserting in lieu thereof "subparagraphs (A), (B), and (C)".

Page 11, line 14, strike out "(1)(A)" and insert in lieu thereof "(1)".

Page 11, line 16, strike out "sub-".

Page 11, line 18, strike out "(B)" and insert in lieu thereof "(2)".

Page 11, line 19, strike out "subparagraph (A)" and insert in lieu thereof "paragraph (1)".

Page 12, line 3, strike out "subparagraph" and insert in lieu thereof "paragraph".

Page 12, line 4, strike out "(C)" and insert in lieu thereof "(3)".

Page 12, beginning on line 5, strike out "paragraph" and insert in lieu thereof "subsection".

Page 12, line 21, strike out "(c)(1)(A)(i)" and insert in lieu thereof "(c)(1)(A)".

H.R. 1555

By Mr. RANGEL:

—Page 58, strike out line 17 and all that follows through line 5 on page 59 and insert in lieu thereof the following:

SEC. 504. PARTICIPATION IN FOREIGN POLICE ARREST ACTIONS AND INTERROGATIONS.

Section 481(c) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(c)(1) The Congress finds and declares that—

"(A) United States drug enforcement cooperation in foreign countries is carried out pursuant to the provisions of the international conventions for the control of narcotics and psychotropic drugs;

"(B) such cooperation involves the exchange of information and intelligence pertaining to the illicit production and manufacture of and traffic in narcotic and psychotropic drugs affecting the United States;

"(C) such cooperation also involves assisting foreign counterparts in the development of investigations into drug trafficking of mutual interest, including participation in the seizure of narcotic and psychotropic drugs and laboratories for their illicit manufacture and the arrest and interrogation of drug violators as joint cooperative activity may require; and

"(D) the extent of this activity in any foreign country is limited to that which is approved by the host country government and the United States Chief of Mission.

"(2) The head of any department or agency of the United States, whose employees are authorized to assist drug enforcement authorities in any foreign country develop investigations related to the illicit production and manufacture of and traffic in narcotic and psychotropic drugs affecting the United States, shall prescribe regulations for the conduct of and the procedures used by such employees in those activities."

—Page 61, strike out line 13 and all that follows through line 20 on page 62 and insert in lieu thereof the following:

SEC. 509. RESTRICTIONS ON ASSISTANCE TO BOLIVIA AND PERU.

(a) FINDINGS.—The Congress finds that—

(1) cocaine has had a severe negative impact on productivity, public health, education, and the quality of life in the United States and on the national security of the United States;

(2) Bolivia is the source of more than 50 percent of the world's cocaine, and Bolivian production of cocaine continues to rise;

(3) 50 percent of the population of Bolivia is under 19 years of age, and cocaine production has had a severe, negative impact on the youth of Bolivia;

(4) the production of, and trafficking in, cocaine by Bolivia has contributed significantly to Bolivia's 1,000 percent rate of inflation;

(5) the failure of the Government of Bolivia to take steps to curb the production of coca in Bolivia during 1984 was cited in the report of the Department of State entitled "International Narcotics Control Strategy Report" as a major disappointment in its review of drug producing countries;

(6) Bolivia received more than \$37,000,000 in United States assistance during fiscal year 1984 and during that fiscal year did not eradicate a single coca bush;

(7) coca leaf produced in Peru is the source of about 45 percent of the cocaine entering the United States;

(8) it is estimated that at least 75 percent of the coca leaf produced in Peru is illegal, and this illicit cultivation continues to expand;

(9) coca leaf, coca paste, and cocaine are used by more than 3.2 million of the 19 million citizens of Peru, undermining the health and welfare of these people;

(10) the uncontrolled production and traffic of coca and cocaine in Peru overwhelms,

demoralizes, and corrupts government administrators and institutions, creates political instability, and challenges the ability of the Government of Peru to maintain control over coca-producing areas of the country;

(11) the Government of Peru has failed to develop a comprehensive plan, and has failed to take adequate steps, to prohibit illicit coca production; and

(12) Peru received more than \$76,000,000 in United States assistance in fiscal year 1984 and eradicated only an estimated 5 percent of coca cultivation in Peru.

(b) CONDITIONS ON ASSISTANCE FOR BOLIVIA.—

(1) BILATERAL ASSISTANCE.—Beginning with the fiscal year 1986 and for each fiscal year thereafter, no United States assistance may be provided to Bolivia unless the President certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(A) the Government of Bolivia has developed and is implementing a plan, in accordance with the Single Convention on Narcotic Drugs, 1961, that will establish its legal coca requirements, license the number of hectares necessary to produce the legal requirements, and eliminate illicit and unlicensed coca production; and

(B) the amount of coca that was produced in Bolivia during the preceding fiscal year is at least 10 percent less than the amount produced in Bolivia during the fiscal year which preceded such preceding fiscal year.

Whenever the President certifies under subparagraph (B) that the amount of coca that is produced in Bolivia is reduced by more than 10 percent from one fiscal year to the next, the amount of any such additional reduction shall be carried over and counted as if it had occurred in the fiscal year following the year in which it actually occurred.

(2) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, of the International Development Association, of the International Finance Corporation, and of the Inter-American Development Bank to oppose actively the extension by that international financial institution of any loan or the furnishing of any financial assistance or technical assistance to Bolivia during the fiscal year 1986 or any fiscal year thereafter, unless the certification required under paragraph (1) is made for that fiscal year.

(c) CONDITIONS OF ASSISTANCE TO PERU.—

(1) BILATERAL ASSISTANCE.—Beginning with the fiscal year 1986 and for each fiscal year thereafter, no United States assistance may be provided to Peru unless the President certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(A) the Government of Peru has developed and is implementing a plan, in accordance with the Single Convention on Narcotic Drugs, 1961, that will establish its legal coca requirements, license the number of hectares necessary to produce the legal requirements, and eliminate illicit and unlicensed coca production; and

(B) the amount of coca that was produced in Peru during the preceding fiscal year is at least 10 percent less than the amount produced in Peru during the fiscal year which preceded such preceding fiscal year.

Whenever the President certifies under subparagraph (B) that the amount of coca that is produced in Peru is reduced by more than 10 percent from one fiscal year to the next, the amount of any such additional reduction shall be carried over and counted as if it had occurred in the fiscal year following the year in which it actually occurred.

(2) **MULTILATERAL ASSISTANCE.**—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, of the International Development Association, of the International Finance Corporation, and of the Inter-American Development Bank to oppose actively the extension by that international financial institution of any loan or the furnishing of any financial assistance or technical assistance to Peru during the fiscal year 1986 or any fiscal year thereafter, unless the certification required under paragraph (1) is made for that fiscal year.

(d) **PHARMACEUTICAL USES.**—In carrying out this section, coca produced solely for pharmaceutical purposes shall not be counted in determining amounts of production.

(e) **DEFINITIONS.**—As used in this section—
(1) the term "coca" means the coca bush (which is the plant of any species of the genus *Erythroxylon*) and the coca leaf (which is the leaf of the coca bush); and

(2) the term "United States assistance" has the same meaning as is given that term by section 481(i)(4) of the Foreign Assistance Act of 1961.

On page 63, line 1, insert "the certification required by section 509(c) is made and" after "only if".

H.R. 1872

By Mr. BLAZ:

—At the end of title VI (page 142, after line 2) add the following new section:

SEC. 686. REPEAL OF LIMITATION ON TRANSPORTATION OF CERTAIN MOTOR VEHICLES THROUGH GUAM.

Section 652 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2550), is repealed.

By Mr. FOGLIETTA:

—At the end of title II (page 29, after line 14) add the following new section:

SEC. 207. LIMITATION ON STRATEGIC DEFENSE INITIATIVE PROGRAMS.

None of the funds appropriated pursuant to authorizations of appropriations in this title for Strategic Defense Initiative programs may be used for development, demonstration, test, or evaluation of the use of weapons powered by nuclear explosions in space.

By Mr. GREEN:

—At the end of title I (page 22, after line 23) add the following new section:

SEC. 111. TEN-PERCENT REDUCTION IN PROCUREMENT ACCOUNTS.

The total amount obligated or expended from funds appropriated pursuant to the authorizations of appropriations in this title may not exceed 90 percent of the amount equal to the sum of the amounts authorized to be appropriated in this title.

By Mr. NICHOLS:

—Page 143, after line 19, add the following new section:

SEC. 802. ALLOWABLE COSTS.

(a) **REGULATION OF ALLOWABLE COSTS PAYABLE TO DEFENSE CONTRACTORS.**—(1) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2324. Allowable costs under defense contracts

"(a)(1) The Secretary of Defense shall require that a covered contract provide that if the contractor submits to the Department of Defense a proposal for settlement of indirect costs incurred by the contractor for any period after such costs have been accrued and if that proposal includes the submission of an indirect cost that has been expressly specified by statute or regulation as being unallowable—

"(A) that cost shall be disallowed; and

"(B) the contractor shall pay to the United States an amount equal to the greater of \$10,000 or—

"(i) the amount of the disallowed cost, plus interest; or

"(ii) if the cost is of a type that has been finally determined, before the submission of such proposal, to be expressly unallowable to that contractor, an amount equal to twice the amount of the disallowed cost, plus interest.

"(2) An action by the Secretary under a contract provision required by paragraph (1) to disallow a cost and to require payment of a contractor—

"(A) shall be considered to be a final decision for purposes of section 6 of the Contracts Dispute Act of 1978 (41 U.S.C. 605); and

"(B) shall be appealable in the manner provided in section 7 of such Act (41 U.S.C. 606).

"(3) Interest under paragraph (1) shall be computed—

"(A) from the date on which the cost is questioned; and

"(B) at the applicable rate prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1954.

"(b) The following costs are not allowable under a covered contract:

"(1) Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities).

"(2) Costs incurred to influence (directly or indirectly) congressional action on any legislation or appropriation matters pending before Congress.

"(3) Costs incurred in defense of any fraud proceeding brought by the United States where the contractor is found liable for fraud or has pleaded *nolo contendere* to a charge of fraud.

"(4) Fines and penalties resulting from violations of, or failure to comply with, Federal, State, or local laws and regulations, except when incurred as a result of compliance with specific terms and conditions of the contract or specific written instructions from the contracting officer.

"(5) Costs of membership in any social, dining, or country club or organization.

"(6) Costs of alcoholic beverages.

"(7) Contributions or donations, regardless of the recipients.

"(8) Costs of advertising designed to promote the contractor or its products.

"(9) Costs of promotional items and memorabilia, including models, gifts, and souvenirs.

"(10) Except as provided in subsection (c), costs for travel by aircraft to the extent that such costs exceed the amount of the standard commercial fare for travel by common carrier between the points involved.

"(c)(1) Subsection (b)(10) does not apply if travel by common carrier at standard fare—

"(A) would require travel at unreasonable hours;

"(B) would excessively prolong travel;

"(C) would result in overall increased costs that would offset potential savings from travel at standard commercial fare; or

"(D) would not meet physical or medical needs of the person traveling.

"(2) Subsection (b)(10) does not apply to travel by aircraft other than a common carrier if—

"(A) travel by such aircraft is specifically required for contract performance or is otherwise specifically authorized under the contract;

"(B) travel by common carrier is impractical; and

"(C) the travel performed is for business purposes and requires the use of such aircraft.

"(3) Costs for air travel in excess of that allowed by subsection (b)(10) may only be allowed by reason of one of the exceptions contained in paragraph (1) or by reason of paragraph (2) if the exception is fully documented and justified, including, in the case of an exception under paragraph (2), full documentation of the use of the aircraft for business purposes.

"(d)(1) The Secretary of Defense shall prescribe regulations to establish criteria for the allowability of indirect contractor costs under Department of Defense contracts. Such regulations shall be prescribed as part of the Department of Defense supplement to the Federal Acquisition Regulation. In developing specific criteria for the allowability of such costs, the Secretary shall consider whether reimbursement of such costs by the United States is in the best interest of the United States. Such regulations—

"(A) shall define in detail and in specific terms those costs that are unallowable under contracts entered into by the Department of Defense; and

"(B) shall provide that specific costs unallowable under one cost principle shall not be allowable under any other cost principle.

"(2) The regulations under paragraph (1) shall, at a minimum, clarify the cost principles applicable to contractor costs of the following:

"(A) Air shows.

"(B) Advertising.

"(C) Recruitment.

"(D) Employee morale and welfare.

"(E) Contributions of donations.

"(F) Community relations.

"(G) Dining facilities.

"(H) Professional and consulting services.

"(I) Compensation.

"(J) Selling and marketing.

"(K) Travel.

"(L) Public relations.

"(M) Hotel and meal expenses.

"(N) Membership in civic, community, and professional organizations.

"(3) Such regulations shall specify the circumstances under which clauses (A) and (B) of subsection (c)(1) may be applied.

"(4) Such regulations shall require that a contractor be required to provide current, accurate, and complete documentation to support the allowability of an indirect cost at the time a proposal for final settlement of indirect costs is submitted to the United States. If such documentation is not sufficient to support the allowability of the cost, the cost becomes expressly unallowable and is not subject to negotiation.

"(e)(1) The Secretary of Defense shall require the resolution of each cost which is challenged by the United States as being unallowable in the contractor's submission

for final overhead settlement applied to covered contracts unless—

"(A) the contractor and the contracting officer cannot agree on the allowability of the cost under existing cost principles;

"(B) the contracting officer documents the reasons why an agreement cannot be reached; and

"(C) the contractor agrees that costs of that type will not be submitted to the Department of Defense for payment as an allowable indirect cost to the future.

"(2) The Secretary of Defense shall provide that, whenever feasible and practicable, the defense contract auditor be present at any negotiation or meeting with the contractor regarding a determination of the allowability of indirect costs of the contractor.

"(f)(1) A contractor that submits a proposal for final settlement of indirect costs applicable to a covered contract shall be required to certify that all indirect costs included in the proposal are allowable. Any such certification shall be in a form prescribed by the Secretary of Defense.

"(2) The Secretary of Defense or the Secretary of the military department concerned may, in an exceptional case, waive the requirement for certification under paragraph (1) in the case of any contract if the Secretary—

"(A) determines that it would not be in the interest of the United States to require such certification; and

"(B) states in writing the reasons for that determination.

"(g) The Secretary of Defense shall provide that, in establishing the interim or provisional rates for payment of indirect costs to a defense contractor for which final settlement will be made at a later time, such rates shall be based upon amounts incurred by such contractor for indirect costs less any amount questioned by the agency with responsibility for audits of defense contracts.

"(h) In this section, 'covered contract' means a contract entered into by the Department of Defense for an amount more than \$25,000—

"(1) that is flexibly priced; or

"(2) for which cost or pricing data is required under section 2306(f) of this title."

"(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2324. Allowable costs under defense contracts."

(b) REGULATIONS.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe the regulations required by subsection (d) of section 2423 of title 10, United States Code, as added by subsection (a). Such regulations shall be published in accordance with section 22 of the Office of Federal Procurement Act (41 U.S.C. 418b).

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of proposed regulations to be prescribed in accordance with paragraph (1); and

(B) a report identifying—

(i) the nature of the proposed changes that would be made by such proposed regulations to the current cost principles on the allowability of contractor costs; and

(ii) the potential effect of such changes on the allowability of contractor costs.

(c) EFFECTIVE DATE.—Section 2324 of title 10, United States Code, as added by subsection (a), shall apply only to contracts entered into on or after the date on which regulations are prescribed in accordance with subsection (b).

SEC. 3. SUBPOENAS OF DEFENSE CONTRACTOR RECORDS.

Section 2313 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary of Defense may require by subpoena the production of any books, documents, papers, or records of a contractor that are needed by the Secretary for the purposes of subsection (a) or the purposes of section 2306(f) of this title.

"(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(3) The Authority of the Secretary of Defense under this subsection may only be delegated—

"(A) to an officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate; or

"(B) to the director of the defense agency or other element of the Department of Defense that has responsibility for audits of defense contracts."

SEC. 4. LIMITATION ON ASSIGNMENTS OF PRINCIPAL CONTRACTING OFFICERS.

(a) LIMIT ON TOURS OF DUTY AND REASSIGNMENTS.—The Secretary of Defense shall prescribe regulations—

(1) to limit to five years the maximum tour of duty for which an officer or employee under the jurisdiction of the Secretary may be assigned to represent the Department of Defense with a particular contractor as a principal contracting officer; and

(2) to provide that an officer or employee who has held a position as principal contracting officer with a contractor may not be reassigned to duty with that contractor for a period of five years after the end of the previous such assignment.

(b) WAIVER AUTHORITY.—The Secretary of Defense or the Secretary of the military department concerned may, in an exceptional case, waive the limitation in subsection (a) in the case of any officer or employee if the Secretary—

(1) determines that it would not be in the interest of the United States to apply such limitation in that case; and

(2) states in writing the reasons for that determination.

(c) DEFINITION.—For purposes of this section, the term "principal contracting officer" means—

(1) a principal corporate administrative contracting officer or deputy principal corporate administrative contracting officer; and

(2) a principal administrative contracting officer or deputy principal administrative contracting officer.

By Mr. REGULA:

—Page 172, after line 20, insert the following new section:

SEC. 1016. ESTABLISHMENT OF DEFENSE HEALTH AGENCY.

(a) IN GENERAL.—(1) Chapter 8 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 193. Defense Health Agency

"(a) There is in the Department of Defense a Defense Health Agency. The medi-

cal health-care systems of the Army, Navy, Marine Corps, and Air Force, and the facilities and resources thereof, shall be administered in policy and operation solely by the Defense Health Agency.

"(b) The Office of the Assistant Secretary of Defense of Health Affairs shall organize, in conjunction with the Army, Navy, Marine Corps, and Air Force, the Defense Health Agency.

"(c) The Defense Health Agency shall function under the direction and control of the Assistant Secretary of Defense for Health Affairs. The Agency shall have sole authority and discretion over policy and operation of the medical health-care systems of the armed forces of the United States.

"(d) For the purposes of this section the Defense Health Agency shall be comprised of two offices, designated as the Office of Policy and Operation and the Defense Readiness Office. These Offices are authorized, and subject to, the individual responsibilities, powers, and limitations as set forth in this subsection. The Defense Health Agency shall proscribe and oversee the proper conduct of all functions delegated to the respective offices:

"(1) The Office of Policy and Operation shall be administered by the Assistant Secretary of Health Affairs. Said office shall administer the operation and policy of the health care delivery system; oversee and prescribe management information systems and perform statistical studies; control and allocate resources including the functions of accounting, budgeting, and cost containment; and administer research and development.

"(2) The Office of Defense Readiness shall be jointly administered by the Surgeons Generals of the Army, Navy, and Air Force. Said Office shall develop, implement, and assess policy regarding the readiness of the combat medical support in the operating and field forces; administer the policy and operation of health care delivery in field facilities in peacetime or war; supervise the training and development of health services personnel; administer service unique operational medical support; and prepare for necessary wartime medical mobilization."

(b) REQUIREMENT OF LICENSURE FOR PHYSICIANS PROVIDING CLINICAL CARE.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1094. Licensure of physicians providing clinical care

"No individual may act, or be employed, by the United States government, as a physician to provide clinical care unless the individual has received State licensure to practice medicine and said individual has satisfied any education credentials which may be required by the Secretary of the Department of Health and Human Services."

By Mr. SOLOMON:

—No person born after December 31, 1959 who is required to register with Selective Service System and who has not so registered shall be employed in civil service positions in the Federal Government.

—No person born after December 31, 1959 who is required to register with Selective Service System and who has not so registered shall perform service under any contract financed in whole or part by funds appropriated to the Department of Defense.